Calendar No. 2260

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2238

PROVIDING FOR THE CONVEYANCE OF CERTAIN PROPERTY OF THE UNITED STATES TO THE VILLAGE OF CAREY, OHIO

JUNE 18, 1956.—Ordered to be printed

Mr. BENDER, from the Committee on Government Operations, submitted the following

REPORT

[To accompany H. R. 9671]

The Committee on Government Operations, to whom was referred the bill (H. R. 9671) to provide for the conveyance of certain property of the United States to the village of Carey, Ohio, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The bill directs the Administrator of General Services to convey to the village of Carey certain surplus, federally owned real property. By the terms of the bill, as amended in the House of Representatives, the village will be required to pay the fair market value of the property at its highest and best use as determined by the Administrator, as of the date of such conveyance.

The property is described in the bill as located on the southwest corner of the intersection of West North and North Vance Streets of Carey, Ohio, and contains 14,391 square feet of land on which is located an old, 2-room, 1-family residence. The Federal Government acquired the property in 1943 by purchase and condemnation for use as a post office site. The condemnation award was $7,950. On August 9, 1955, the property was declared excess to the needs of the Federal Government, and GSA recently determined the fair market value of the property to be $11,000.

HOUSE ACTION

Under the terms of the bill the Government will receive in return for the property an amount equal to the fair market value at its highest and best use as determined by the Administrator of General

Services, on the date of conveyance to the village of Carey. The House Committee on Government Operations reported (H. Rept. No. 2079) that the public interest will be served by directing a disposal of the property to the village of Carey.

The House committee, in explanation of the amendment, stated that—

> The committee, while apprehensive lest inaccuracies in extensive descriptions of property authorized to be conveyed might render conveyance legislation ineffectual, feels nevertheless that conveyance legislation should describe the subject property with sufficient particularity to ensure precise and accurate identification. By inserting this amendment the the property is specifically identified while the dangers of a statutory metes and bounds description are avoided. The metes and bounds description will, or course, appear in the deed of conveyance.
>
> Another object of the amendment was to properly clarify the intention of Congress that "fair market value" means the value at its highest and best use, rather than as has been the case in past instances where the fair value was computed according to its intended use by the proposed transferee.

AGENCY COMMENTS

A bill identical to H. R. 9671, in its original form, was introduced in the Senate by Senator Bricker of Ohio (S. 3353) on March 5, 1956. The GSA has informed the committee that it has no objection to the amendments adopted by the House of Representatives, and approves the passage of H. R. 9671.

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84TH CONGRESS
2d Session

SENATE

REPORT
No. 2239

SWISS WATCHES—ADJUSTMENTS

REPORT

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

MADE BY ITS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

JUNE 18, 1956.—Ordered to be printed

UNITED STATES
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[1] Senator Strom Thurmond resigned April 5, 1956; Senator Thomas A. Wofford was appointed to the Government Operations Committee April 18, 1956.

84TH CONGRESS } SENATE { REPORT
2d Session } { No. 2239

SWISS WATCHES—ADJUSTMENTS

JUNE 18, 1956.—Ordered to be printed

Mr. MCCLELLAN, from the Committee on Government Operations, submitted the following

REPORT

MADE BY ITS PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

TARIFF ON IMPORTED WATCHES

The subcommittee was informed in the spring of 1955 that a serious situation existed resulting from the alleged misinterpretation of a tariff levied against imported watches containing 17 or fewer jewels.[1] Watches in this category comprise the bulk of the jeweled watches imported into this country. The enforcing agency is the Bureau of Customs of the Treasury Department. Prior to the passage of the Tariff Act of 1930. when there was no tariff on adjustment, most of these watches were marked "adjusted;" immediately afterward and continuing since that time, the bulk of them have been imported marked "unadjusted." [2]

It is alleged that these watches are marked "unadjusted" but are, in fact, "adjusted."

The language of the Tariff Act of 1930 which is applicable to this question is as follows:

> There shall be an additional duty of $1 for each adjustment of whatever kind (treating adjustment to temperature as two adjustments).

The "$1" tariff was reduced to 50 cents per adjustment by the trade agreement with Switzerland in 1936.

NOTE.—Exhibits mentioned in the body of the report and all page references in the footnotes refer to the published record of the hearings of this subcommittee held on Swiss watches—Adjustments, June 29 and 30, 1955, and January 10, 1956.

[1] Hearings, Swiss Watches—Adjustments, p. 2.
[2] Ibid., p. 13.

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It was stated that this alleged misinterpretation by the Treasury Department has resulted (1) in a loss of revenue to the United States Government since 1930 of over $238 million;[3] (2) in the domestic industry now controlling only 18 percent of the domestic jeweled watch market, as compared with 52 percent in 1935;[4] (3) in a considerable loss of those skills which are perfected in the watch industry and which are generally held to be essential to national security.[5]

Briefly, the Tariff Act of 1930 provides for three measures of tariff as applied to watches 17 jewels and under. These three are as follows:

(1) The size of the watch—in general the amount of the tariff increases as the size of the watch decreases.

(2) Number of jewels—up to and including 17 jewels, the tariff on watches increases in almost direct proportion to the number of jewels in the movement.

(3) Adjustments—this is the portion of the tariff with which we are concerned in this investigation.[6]

It is appropriate at this time to describe, in general, what an adjustment is. Adjustment is not regulation; regulation refers to merely making a watch run faster or slower, whereas adjustment has a definite and different meaning. Adjustment refers to the condition or manipulation of a watch movement so as to make it operate at a constant rate under different conditions. The three categories of adjustments are:

(1) *Isochronal adjustment.*—This is the condition or manipulation of a watch whereby the watch will run at the same rate when it is first wound as it runs a number of hours later.

(2) *Temperature adjustment.*—As the name implies, temperature adjustment is the condition or manipulation whereby a watch will run at the same rate when it is cold as it runs when it is warm. The statute calls this 2 adjustments, 1 for heat and 1 for cold.[7]

(3) *Position adjustment.*—Here, too, the name is descriptive. It is a condition or manipulation whereby a watch will run at the same rate in different positions. A fine watch may be adjusted to as many as 6 positions, including face up, face down, stem up, stem down, stem at 9 o'clock, stem at 3 o'clock.[8]

Considerable controversy centers around a Treasury Department ruling disseminated to the Customs Bureau in 1940 which purported to clarify the act of 1930. It was alleged to this subcommittee that the ruling is unreasonable and inaccurate. The ruling follows:

> *Watch movements and time-keeping devices.*—Watch movements and other mechanisms, devices and instruments provided for in paragraph 367 (a), are properly marked "unadjusted." Under paragraph 367 (b), if they have not been specifically manipulated, otherwise than by ordinary assembly, to produce one or more of the following results:
>
> (a) Temperature adjustment;
>
> (b) Isochronal adjustment; or
>
> (c) Position adjustment.[9]

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[3] Ibid., p. 21.
[4] Ibid., pp. 40–41.
[5] Ibid., pp. 63–64, 78.
[6] Ibid., p. 4.
[7] Ibid., p. 5.
[8] Ibid., p. 15.
[9] Ibid., exhibit 10, appendix, p. 192.

In practice, the "otherwise than by ordinary assembly" has been interpreted to mean "after assembly." It is contended that not only is this ruling inaccurate, but that even inaccurate as it is, it has not been enforced.

Mr. Arthur Sinkler, president of the Hamilton Watch Co. and also president of the American Watch Manufacturers Association, testified for the domestic watch producing industry. He testified that watches imported into the United States are adjusted, but are marked "unadjusted" in order to avoid the payment of tariff. Mr. Sinkler presented exhibits and testimony for the consideration of the subcommittee, which he stated demonstrate that the tariff on adjustments of watches is being circumvented. A representative number of these follow:

(1) In a letter to the United States Time Corp., New York City, dated November 3, 1948, the Eberhard Co., watch producers of La Chaux-de-Fonds, Switzerland, stated in part:

> by way of information, we desire to emphasize the fact that for over 60 years we are specializing in the manufacture of very high grade watches with lever, fully jeweled, mostly 17 jeweled movements, adjusted to positions and temperatures, although marked "unadjusted" when required.

The presumption is, according to Mr. Sinkler, that watches are "required" to be marked "unadjusted" in order to pass through the United States customs without having a tariff imposed for adjustments.[10]

(2) The Elgin Watch Co. has an establishment in Canada as well as one in the United States. Mr. Sinkler presented for the inspection of the subcommittee three watches, one of which was imported by the Elgin firm into the United States and marked "unadjusted," and the other two of which were ordered by the Elgin Co., of Canada, and were marked "adjusted." The two sets of watches were identical except for a minor difference in the dial.[11]

(3) In fact, Mr. Sinkler further testified that in 1950 his firm, the Hamilton Co., wanted to import watches to the United States from Switzerland marked "adjusted." He said that the representative of the Swiss manufacturer at first agreed, but finally said that since he was importing the same watch to the United States marked "unadjusted," he would decline since he could not have the same type watch coming into the United States marked differently. Mr. Sinkler said the Hamilton Watch Co. was, therefore, required to import the watch marked "unadjusted," if it was in fact to import it at all.[12]

(4) Mr. Sinkler presented an advertisement describing the products of the Tavannes Watch Co., of Switzerland. The following quotation is taken from this advertising material:

> Before leaving the factory, every Tavannes movement is adjusted for position and temperature.

In the light of this statement, Mr. Sinkler also showed the subcommittee a Tavannes watch, purchased in Washington, D. C., marked "unadjusted." [13]

[10] Ibid., p. 17.
[11] Ibid., p. 17.
[12] Ibid., p. 22.
[13] Ibid., p. 14.

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(5) Another item presented in evidence was a quotation read by Mr. Sinkler from the Consumers Research magazine for November 1949. This magazine contained the following statement:

> Most imported Swiss movements, even those adjusted accurately for position, temperatures and isochronism, are stamped "unadjusted" * * * perhaps a unique case of claims on merchandise that falls short of the fact. The reason for this anomaly is simple. The American tariff adds 50 cents to the customs duty for every adjustment claim. Temperature adjustment counts double.[14]

(6) Mr. Sinkler also made available to the subcommittee a chart purporting to outline standard practices in handling Swiss movement watches as related to the markings thereon. Mr. Sinkler informed the subcommittee that this chart was circulated by a firm dealing in imported watches, the Jules Borel & Co., Kansas City 6, Mo. This chart lists watches of various qualities. In one column it tells how many adjustments have actually been made and next to it is a column listing the markings on these same watches with reference to adjustments. In each case there are more actual adjustments than the markings indicate.[15]

Mr. Sinkler stated that the obvious reason for this difference is to avoid the tariff that is applied to watches which come into the United States marked "adjusted." The same watch sent to any country in the world but the United States is marked "adjusted."

Mr. Sinkler said that these exhibits demonstrate the fact that a different set of standards apply to watches exported to the United States and those exported to other countries.

Mr. Sinkler said that the clearest indication of the weakness of the Treasury Department ruling of 1940 lies in the consideration of temperature adjustment. The act of 1930 specifically calls this two adjustments, which, then as now, were accomplished in the process of assembly. Yet, according to the 1940 ruling, these are not adjustments.

The subcommittee also heard testimony presented by Mr. Arde Bulova, chairman of the board of the Bulova Watch Co. Mr. Bulova is not only the largest importer, but also one of the largest domestic producers of jeweled watches. As such, his interests lie astride the watch tariff question. As a matter of fact, according to Mr. Bulova's testimony, about 80 percent of his domestic market consists of imported watches. Mr. Bulova said:

(1) That the watches he produces in Switzerland are "adjusted" but are sent into the United States marked "unadjusted." He said that the marking "unadjusted" does not conform with the facts, but does comply with the Treasury ruling of 1940.[16]

(2) That "we are members of the cartel and are manufacturing in Switzerland, and we are subject to their rules and regulations in that cartel in that regard, and that does not permit us to ship watches marked 'adjusted.' " [17]

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[14] Ibid., pp. 42–43.
[15] Ibid., p. 42; exhibit 14, appendix, p. 193.
[16] Ibid., p. 50.
[17] Ibid., p. 50.

(3) That all the major watch manufacturers in Switzerland adjust their watches and that the only difference between them is the difference in the degree of perfection desired.[18]

Mr. Bulova suggested that much of the current problem might be solved by a legal requirement that watches be marked as to adjustments on the dial as well as on the bridge plate. He stated that the establishment of this requirement, together with collecting the tariff on adjustments, would do much to correct inequities which exist. Thus, if watches are actually unadjusted, the purchasing public will be aware of that fact, and if the watches are adjusted, the tariff can be collected.

Mr. Bulova said that it is uneconomical to produce watches here as compared with producing them in Switzerland:

> I know that there is not going to be a watch industry in the United States unless you do something about it because economically at our high cost of wages, it does not pay us to continue our production here when we can produce for less the same product in Switzerland.[19]

When questioned about the Treasury Department ruling of 1940, Mr. Bulova said it was based on a statement contained in a brief presented by Mr. Taylor Strawn, who represented the domestic industry, before the legislating committees in 1929:

> The question of adjustment has been the subject of important controversy in the past. Adjustment to position consists of necessary alterations made to the different parts of a watch mechanism after assembling and timing which may be found necessary in order to make it run with the same degree of accuracy in the various positions in which a watch may be found in actual use.[20]

He stated that this testimony was not in accordance with the facts then or now in existence. In addition, he pointed out that this testimony referred only to position adjustments and could not be the basis for the Government refusing to collect the tariffs for the isochronism and temperature adjustments. For temperature and isochronism there can be no adjustments after final assembly because these adjustments are built into the watch. He said that this is in accordance with the facts now, but was equally true and clearly understood at the time the 1930 Tariff Act was passed.

He testified that prior to 1930 this temperature compensation was accomplished by means of a balance wheel made of two metals which, in effect, counterbalanced each other; now it is accomplished by using an alloy which is insensitive to a normal range of temperatures; in both cases, the compensation was and is accomplished prior to final assembly.

For proof that no manipulation after final assembly was expected, even at the time the law was passed for temperature adjustments, Mr. Marx Leva, attorney for Mr. Bulova, referred the subcommittee to the court decision arrived at June 20, 1929, in the United States Customs Court, Second Division, Port of San Francisco. This decision was handed down in the case of M. Schussler & Co., plaintiff,

[18] Ibid., p. 70.
[19] Ibid., p. 161.
[20] Ibid., p. 104.

versus the United States, defendant. The pertinent portion of this decision follows:

> It is not disputed that these watch movements contain 17 jewels, the only question for determination being whether or not they are adjusted to temperature.
>
> The testimony, which is uncontradicted, fairly establishes the claim. Plaintiffs' witness stated that he was engaged in the watch business for 27 years; that it is part of his duties to inspect watches to ascertain whether or not they are adjusted to temperature; that the articles involved herein showed that the balance wheel consisted of two metals fused together which is the determining factor that the movements have been adjusted to temperature.
>
> On the established facts we hold the watch movements to be properly dutiable at the rate of $3.50 each under said paragraph 367 as containing 17 jewels and adjusted to temperature, as alleged by plaintiffs.[21]

Mr. William H. Fox, executive secretary of the American Watch Association, the watch importers' and assemblers' association, informed the subcommittee that the word "adjustment," as used in the Tariff Act of 1930, refers to a process that very few watches undergo. He said, in effect, that no matter what anyone, including the Swiss, might call "adjustment," the act of 1930 referred to a very special and highly technical process which results in a timepiece approaching a chronometer in accuracy.

Mr. Fox said that the Swiss have no term exactly comparable to "adjustment" as used in the Tariff Act of 1930. Their phraseology is somewhat as follows:

(1) *Reguleur.*—This is the French equivalent to "regulate," which means merely correcting the speed of a watch.

(2) *Retouche-de-Reguleur.*—In describing adjustment as in the regular manufacturing process, the French use the term "retouche-de reguleur" which actually is part of a process of assembly, according to the Swiss.

(3) *Reglage-de-Precision.*—This term relates to fine adjustment performed after assembly of a watch and is a process which requires 3 or 4 weeks by highly skilled technicians.[22]

It is this latter type of adjustment, according to Mr. Fox, which is intended to be subject to the Tariff Act of 1930, rather than the routine adjustment of less expensive watches. To substantiate this point he referred to testimony of Mr. Strawn before the legislating committees in 1929. The pertinent portion of this testimony is quoted elsewhere in this report. (See p. 5.)

Mr. Fox said that:

> Within the watch industry, there is generally a difference in language when the word "adjusted" is used in its generic and in its technical sense. Whenever the terms "adjusted to position" or "adjusted to temperature" are used, the word is clearly intended in its technical sense.[23]

[21] Ibid., exhibit 20, appendix, p. 198.
[22] Ibid., p. 114.
[23] Ibid., p. 135.

Mr. Fox stated that the adjustment provision in the Tariff Act of 1930 was designed to prevent the importation into this country of unadjusted movements marked "adjusted." Mr. Fox said:

> * * * it seems clear that the suggestion for a special duty on adjusted movements was urged by the domestic manufacturers primarily to prevent unadjusted movements from entering the country falsely marked as "adjusted".[24]

Mr. Fox added that his association believes that the adjustment provision has been completely effective in achieving this purpose.

He said, in addition, that the technology of producing watches has advanced to such a degree that results formerly obtainable only by postassembly manipulation can now be achieved in the process of manufacturing and assembly. He said that the net result of these improvements is an unadjusted watch, which, even though it is far superior to the adjusted watch of 1930, is still unadjusted. Because of the technological advancement those watches run better today than the watches of 25 years ago which had postassembly manipulation.

Mr. Fox testified that when watches are shipped by the Swiss to other countries such as Canada, it is permissible to stamp the word "adjusted" on the bridge plate, since in this instance the word "adjusted" is meant in its generic sense, whereas watches shipped into the United States are bound, by the Tariff Act of 1930, to include the word "adjusted" in its technical sense. Mr. Fox said:

> They just haven't made a provision as we have with respect to the term "adjustment." There is no prohibition in Canada from importing a watch with the word "adjusted" on it. So the Swiss mark it adjusted for what sales value it may have in Canada.[25]

On the other hand, Mr. Fox produced a Hamilton watch which was marked with the plain word "adjusted" and, with reference to this use of the term by the Hamilton Watch Co., said:

> Incidentally, we felt that this loose usage of the word "adjusted" is improper since it seems clearly designed to convey to the public the misleading idea that the watch has in fact been subjected to skillful postmanufacturing adjustment techniques.[26]

Previous testimony indicated that the Treasury Department ruling of 1940 was particularly inapplicable with respect to temperature adjustment in that no postassembly manipulation is necessary to accomplish it. For that reason Mr. Fox was questioned closely on this point. In discussing the process by which temperature adjustment is accomplished he agreed that there are watches sent to the United States marked "adjusted to temperature" that have had no after-assembly manipulation. He testified:

> In temperature adjustment, it is one place where in some instances, manipulation (after assembly) may not be necessary.[27]

[24] Ibid., p. 134.
[25] Ibid., p. 139.
[26] Ibid., p. 143.
[27] Ibid., p. 136.

And again:

> The CHAIRMAN. In other words, to get this clear, the watch that comes off of the assembly line is unadjusted?
>
> Mr. FOX. Yes, sir.
>
> The CHAIRMAN. Any watch that comes off of the assembly line is unadjusted in that technical sense?
>
> Mr. FOX. Yes, sir.
>
> The CHAIRMAN. In order to adjust, there must be a previous test to determine what adjustment is required?
>
> Mr. FOX. Absolutely.
>
> The CHAIRMAN. So you make the test with the view of making adjustments if adjustments are required?
>
> Mr. FOX. That is it exactly.
>
> The CHAIRMAN. If none is indicated, then the term "adjusted for temperature" simply means that it has been tested and found adequate?
>
> Mr. FOX. Yes.[28]

On the same point the following exchange was recorded:

> Mr. KENNEDY. * * *. A good percentage of the watch adjustments for temperature and isochronism, three adjustments, come out all right.
>
> Mr. FOX. That is true.[29]

It was thus established that despite the Treasury definition the importers mark at least some watches "adjusted to temperature" when a test but no postassembly manipulation has taken place.

Mr. Fox made available a definition of an adjusted watch, which was arrived at by the Swiss in December 1955, and which, in general, states that a watch must be manipulated after assembly in order for it to be truly adjusted.

Mr. Fox was shown a copy of a Customs Court decision entitled "*Schussler* v. *United States*, June 10, 1929." [30]

He testified that in making this decision the court did not have available to it authoritative information on the subject of adjustments.

In summary, Mr. Fox said that adjusting is still a recognized and specialized process and that today the unadjusted watches are better performers than they were in 1930, but they are still not adjusted.

In discussing the testimony of Mr. Arde Bulova, Mr. Fox said that in previous years when Mr. Bulova conceived his interests to be with the importers, he and his organization had given opposite testimony on the subject of watch adjustments.

Mr. H. Chapman Rose, Under Secretary of the Treasury, informed the subcommittee that the Treasury Department ruling of 1940, which is discussed hereinbefore, crystallized the practice which had been followed prior to that time; that it did not create a new custom and was, therefore, not a completely new ruling.[31] He said this ruling was based in great measure on testimony before the legislating committees leading up to the passage of the Tariff Act of 1930 and, primarily, upon the statement which is contained in a brief presented by the American Watch Manufacturers, which is quoted elsewhere in this report, and which states that adjustment to position is a manipulation which occurs after a watch is assembled.

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[28] Ibid., p. 137.
[29] Ibid., p. 145.
[30] Ibid., exhibit 20, appendix, p. 198.
[31] Ibid., p. 87.

Mr. Rose said that the Treasury Department accepted this as a description of the practice in the watch industry in the United States at the time the act was passed and was, therefore, a controlling factor.[32]

Mr. Rose said that the Treasury ruling defining "adjustment" had been in effect since 1940, and the practice had been followed even prior to that time and it has, therefore, acquired a stability of usage over a period of time and should not be upset except for very compelling reasons.[33]

Mr. Rose also said that there were legal avenues to contest this ruling in court and, therefore, the Treasury Department was hesitant to make a change at this time. He also said that the current arrangement is at least a workable arrangement, and for the United States to take unilateral action might create a strained international situation with the Swiss.[34]

It was noted at one point, in discussing the enforcement of the 1940 ruling, Secretary Rose said that there is—

> a survival in the field organization of the Bureau of Customs * * * of the idea that you can just accept the marking (on the watch).

When asked by Chairman McClellan: "Does that not afford great opportunity for subterfuge on the part of the importer?" Mr. Rose responded: "I am afraid it does, Senator."[35]

Mr. Rose provided the subcommittee with a statement of the amount of tariff which had been collected on watch adjustments since the Tariff Act of 1930. This statement follows:

[32] Ibid., p. 86.
[33] Ibid., p. 87.
[34] Ibid., p. 87.
[35] Ibid., p. 96.

Customs duties collected on watch adjustments, 1930–54 [1]

	2–7 jewels	8–15 jewels	16–17 jewels	Total
June 18–Dec. 31, 1930	$8,486	$24,760	$23,463	$56,709
Calendar year:				
1931	435	7,306	8,571	16,312
1932	912	573	810	2,295
1933	227	708	911	1,846
1934	28	589	1,279	1,896
1935	424	1,154	387	1,965
1936	186	1,503	910	2,599
1937	488	1,295	8,056	9,839
1938	651	379	3,878	4,908
1939	42	914	4,553	5,509
1940	88	256	4,601	4,945
1941	157	670	4,089	4,916
1942	5,061	3,098	21,577	29,736
1943	184	16,104	42,995	59,283
1944	[2]	[2]	[2]	[2]
1945	331	5,199	85,031	90,561
Fiscal year ending June 30:				
1946	434	1,956	99,978	102,368
1947	347	409	47,929	48,685
1948	[2]	[2]	[2]	[2]
1949	123	364	36,023	36,510
1950	1,733	734	17,178	19,645
1951	677	596	26,187	27,460
1952	578	237	31,065	31,880
1953	6,376	251	54,458	61,085
1954	3,894	1,122	38,471	43,487

[1] 1930–45 figures from publication Commerce and Navigation of the United States, 1946–54, prepared by Bureau of Customs from IBM cards supplied by Bureau of Census.

[2] Not available.

NOTE.—The relatively high portion of duties above indicated on 2- to 7-jewel movements led us to question the accuracy of these figures and we have now received informal advice from the Bureau of Census, by reason of a spot recheck of recent entries, that the figures in the 2- through 15-jewel categories may be considerably overstated due to the fact that there have been erroneously recorded as adjustment duties the special duty collected on small-clock movements running more than 48 hours and the incorrect recording of some adjustment duties on certain stopwatches.

This, according to Mr. Sinkler, can be compared with a minimum of $238 million which should have been collected.

Secretary Rose said that following the first group of hearings on this subject before this subcommittee in June of 1955, he caused an inspection group to go to Switzerland in an attempt to determine whether the Tariff Act of 1930 had been violated. Concerning Mr. Sinkler's allegations that companies in Switzerland marked their watches differently when sending them to the United States than when they sent to other countries, he stated the inspection group found that only 3 of the 27 companies that they visited marked their watches at all when sending them to countries other than the United States.

The others, he said:

> sent their watches elsewhere without any marking concerning adjustment.

Of the other three companies, he stated that none of the practices utilized by the companies involved a violation of the Tariff Act of 1930.

Mr. John P. Weitzel, assistant to Mr. Rose, in discussing his inspection trip to Switzerland, testified that with the use of special alloys, watches today are very rarely even tested for temperature variations. Most watches are constructed so as to have compensation for temperature "built in" and with no postassembly manipulation necessary. Secretary Rose said that the Treasury Department feels that this type of "built in" adjustment should not be dutiable.[36]

[36] Ibid., p. 179.

Secretary Rose said that any violation discovered by the inspection group was insignificant and was in the past. However, Secretary Rose said:

> I think it did indicate a gray area of testing manipulation in the case of certain classes of watches, by certain manufacturers, where there might be a difference of opinion between us and the foreigners as to whether or not those should be marked adjusted watches.[37]

With reference to the applicability of the tariff on adjustments to watches, Secretary Rose said:

> I think that one other conclusion would be justified. That is that we are dealing with a statutory concept that has become increasingly obsolete because of the development of manufacturing methods over 25 years since that tariff act was passed.
>
> When we impose a duty, when the dutiable incident is whether a particular manufacturing step took place and when the tariff spread is so wide between—when the tariff consequences are what they are, 50 cents or a dollar; 50 cents now under the trade agreement for adjustment, there is a constant pressure; of course, on people to design around taking that step.
>
> So, I think whatever we may come out with in the way of further refinement of our decision, further requirement of payment of adjustment duties on certain watches that go through a certain process, that that will only be the signal for further advances or further changes in the manufacturing process to avoid taking steps that involve the payment of the duty.[38]

When discussing the question of protecting the American industry, the following exchange was recorded:

> The CHAIRMAN. Is your feeling as of the moment, at least tentatively, that the present statute as you have interpreted it and are enforcing it, is more or less obsolete insofar as protecting the American industry?
>
> Mr. ROSE. Yes, sir.[39]

Following the conclusion of the hearings on this subject, on February 3, 1956, the Treasury Department issued a proposed ruling which permits the Bureau of Customs to require certifications as to processing. This proposed ruling is based on the definition contained in the ruling of 1940, and has no effect on the substance of this report.

CONCLUSIONS

During the course of the subcommittee hearings, it was developed that the United States Treasury Department may be misinterpreting the Tariff Act of 1930. It was also developed that for technical reasons it has been difficult in the past to secure the final determination of the

[37] Ibid., p. 176.
[38] Ibid., p. 176.
[39] Ibid., p. 177.

meaning of this statute through legal processes, but such a court test may now be possible.

The subcommittee feels that this matter should be clarified at the earliest possible date. The Treasury Department should do all in its power to clear the roadblocks for a judicial determination and/or request specific legislation from the appropriate committees of Congress. The data assembled here will be referred to the committees of the Congress having proper jurisdiction over the subject matter.

The hearings held by the subcommittee clearly demonstrate the desirability of early corrective action.

The members of the Committee on Government Operations, except those who are members of the Senate Permanent Subcommittee on Investigations, did not sit in on the hearings and executive sessions on which the above report was prepared. Under these circumstances, they have taken no part in the preparation and submission of the report, except to authorize its filing as a report made by the subcommittee.

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Calendar No. 2261

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2240

AMENDING THE DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1953

JUNE 18, 1956.—Ordered to be printed

Mr. MCNAMARA, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany H. R. 10060]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10060) to amend the District of Columbia Police and Firemen's Salary Act of 1953, as amended, after full consideration, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this legislation is to amend the District of Columbia Police and Firemen's Salary Act of 1953, to enable the Police Department to eliminate certain administrative difficulties insofar as the pay and work periods are concerned.

Prior to the District of Columbia Police and Firemen's Salary Act of 1953, the pay periods and the work periods for the Metropolitan Police force commenced on a Sunday and ended on a Saturday, making it possible for the police force to be at greater strength during the peak days of police activity—Friday, Saturday, and Sunday—while at the same time allowing the police officers their 2 days off per week on the less active days of the week. The Salary Act of 1953, however, went into effect on July 1, 1953, a Wednesday, causing the pay periods to begin on that day and end on a Tuesday. Because of the need for greater police strength at the weekend, it is not feasible to make the police work period coincide with the pay period, and the lack of coincidence tends to create administrative difficulties in the Department and hardship for the officers.

Provision is made for a 4-day transitional pay period, beginning June 27 and ending June 30, 1956. During this 4-day period, the days-off provision in existing law would be suspended, and all members of the police force would be on duty. Beginning Sunday, July 1, 1956, the work period and the pay period would coincide.

The cost of the bill, resulting from the additional police services during the 4-day transition period, will be approximately $25,000.

It is felt that the current appropriation for the Police Department is sufficient to absorb the cost and no additional request for funds will be necessary.

A bill to accomplish the same objective for the Fire Department was enacted as Public Law 139 of the 83d Congress.

The legislation has the approval of the Commissioners of the District of Columbia.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

(D. C. Code 4–821; 67 Stat. 76, 77, ch. 146)

SEC. 405. (a) For all pay computation purposes affecting employees covered by this Act, basic per annum rates of compensation established by this Act shall be regarded as payment for employment during fifty-two basic administrative workweeks.

(b) Whenever for any such purpose it is necessary to convert a basic annual rate established by this Act to a basic biweekly, weekly, or daily rate, the following rules shall govern:

(A) An annual rate shall be divided by fifty-two or twenty-six as the case may be, to derive a weekly or biweekly rate; or

(B) A weekly or biweekly rate shall be divided by five or ten, as the case may be, to derive a daily rate.

All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

(c) For all officers and employees referred to in this Act, each pay period shall cover two administrative workweeks.

(d) (1) For the purpose of computing pay of officers and members of the Fire Department of the District of Columbia for the pay period July 1 to July 11, 1953, inclusive, any day off taken by any such officer or member during the period July 1 to July 4, 1953, inclusive, shall be considered as a workday if such officer or member worked or was otherwise in a pay status for an equivalent day in the period June 28 to June 30, 1953, inclusive: *Provided*, That any such day off falling on July 4, 1953, shall not entitle any such officer or member to additional holiday compensation for that day.

(2) For the purpose of this subsection the term "day off" means any of the days off duty in each seven-day period to which each officer and member of such Fire Department is entitled pursuant to section 2 of the Act approved June 19, 1948 (62 Stat. 498) but such term does not include any "platoon change day off", as such term is used in such Fire Department.

(e) Notwithstanding the provisions of subsection (c) of this section, the period June 27 to June 30, 1956, both dates inclusive, shall constitute a special pay period for the officers and members of the Metropolitan Police force, the White House Police force, and the United States Park Police force. Each day during such period shall be a workday for each such officer and member, and the provisions of subsections (a), (b), (c), and (d)

of the first section of the Act entitled "An Act to provide a five-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force", approved August 15, 1950 (64 Stat. 447), as amended (sec. 4-904, D. C. Code), shall not be applicable during such period.

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Calendar No. 2262

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2241

RELATING TO THE ADMINISTRATION BY THE SECRETARY OF THE INTERIOR OF SECTION 9, SUBSECTIONS (d) AND (e), OF THE RECLAMATION PROJECT ACT OF 1939

JUNE 18, 1956.—Ordered to be printed

Mr. ANDERSON, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 101]

EXPLANATION OF THE BILL

On the subject of renewal, the bill directs the inclusion in any long-term 9 (e) type contract—one that extends for more than 10 years—of provision for renewal if the contracting organization so requests. The terms of the renewal would take into consideration the then current status of the repayment ability of the organization as well as increases or decreases in the costs of construction, operation, and maintenance.

Credit toward repayment and eventual repayment of construction costs are assured by two provisions. One is that the bill directs the Secretary of the Interior to credit each year, toward repayment of construction costs, so much of the amount paid by the contracting organization as is in excess of the operation and maintenance expenses for that year. At such time as the sum of such credits is equal to the amount established as the organization's appropriate share of the construction cost, then no construction component will thereafter be included in the water charges. The second provides that a long-term contract entered into under section 9 (e) can be converted to a contract under section 9 (d) at such time as the amount of the construction costs remaining to be repaid can be repaid within the term of a contract under section 9 (d).

The bill avoids any attempt to provide a water right, as recognized under State laws, but does give assurance of the right to permanent water service to the extent that a water supply is available. The bill provides that any party to any contract entered into pursuant either to section 9 (e) or section 9 (d) will have first right to a stated

share of the project's available water supply during the term of the contract or any renewal thereof. Upon completion of payment of that part of the construction cost assigned for ultimate return by the contracting organization, the right to a stated share of the project's water supply would become permanent.

The committee concurs fully with the views expressed by the House Committee on Interior and Insular Affairs in Report No. 1754.

The Senate Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 101) relating to the administration by the Secretary of the Interior of section 9, subsections (d) and (e), of the Reclamation Project Act of 1939, having considered the same, report favorable thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The bill is directed toward perfecting the basis for the administration by the Secretary of the Interior of subsections (d) and (e) of section 9 of the Reclamation Project Act of 1939. Its provisions would make it possible for the Secretary of the Interior in approving so-called "water service" or "utility type" contracts to meet objections that have heretofore been made to agreements written, under interpretations by the Department, of section 9 (e) contracts.

The three major objections that are met by the bill are (1) that no assurance can be given in the contract itself or in any other document binding upon the Government that the contract will be renewed upon its expiration; (2) that the water users who have this type of contract are not assured that they will be relieved of payment of construction charges after the Government has recovered its entire irrigation investment; and (3) that the water users are not assured of a "permanent right" to the use of water under this type of contract.

The so-called water service or utility type contracts as authorized by the Reclamation Project Act of 1939 represented an innovation in reclamation law. For several years, water users' organizations were reluctant to enter into contracts of these types because of the objections cited. However, in the last 10 years more than 35 9 (e) contracts containing its provisions have been approved. Twenty-seven of the contracting organizations are in California with others in the Missouri River Basin project area. Thus, it would appear that the principles of the two sections are generally accepted, but it has been recognized that the contracting organizations were entitled to consideration which the legal advisers of the Department held were not specifically authorized by the 1939 act.

NO CHANGES IN EXISTING LAW

H. R. 101 avoids any amendment to the text of subsections 9 (d) and 9 (e), but lays down the course to be followed by the Secretary of the Interior in administering the law and the text of H. R. 101 is quoted as follows:

> That, in administering section 9, subsections (d) and (e) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195), the Secretary of the Interior shall—
>
> (1) include in any long-term contract hereafter entered into under said subsection (e) provision, if the

other contracting party so requests, for renewal thereof under stated terms and conditions mutually agreeable to the parties. Such terms and conditions shall provide for an increase or decrease in the charges set forth in the contract to reflect, among other things, increases or decreases in construction, operation, and maintenance costs and improvement or deterioration in the party's repayment capacity. Any right of renewal shall be exercised within such reasonable time prior to the expiration of the contract as the parties shall have agreed upon and set forth therein;

(2) include in any long-term contract hereafter entered into under said subsection (e) with a contracting organization provision, if the organization so requests, for conversion of said contract, under stated terms and conditions mutually agreeable to the parties, to a contract under subsection (d) at such time as, account being taken of the amount credited to return by the organization as hereinafter provided, the remaining amount of construction cost which is properly assignable for ultimate return by it can probably be repaid to the United States within the term of a contract under said subsection (d);

(3) credit each year to every party which has entered into or which shall enter into a long-term contract pursuant to said subsection (e) so much of the amount paid by said party on or before the due date as is in excess of the share of the operation and maintenance costs of the project which the Secretary finds is properly chargeable to that party. Credit for payments heretofore made under any such contract shall be established by the Secretary as soon after the enactment of this Act as it is feasible for him to do so. After the sum of such credits is equal to the amount which would have been for repayment by the party if a repayment contract under subsection (d) had been entered into, which amount shall be established by the Secretary upon completion of the project concerned or as far in advance thereof as is feasible, no construction component shall be included in any charges made for the furnishing of water to the contracting party and any charges theretofore fixed by contract or otherwise shall be reduced accordingly;

(4) provide that the other party to any contract entered into pursuant to said subsection (d) or to any long-term contract entered into pursuant to said subsection (e) shall, during the term of the contract and of any renewal thereof and subject to fulfillment of all obligations thereunder, have a first right (to which right the rights of the holders of any other type of irrigation water contract shall be subordinate) to a stated share or quantity of the project's available water supply for beneficial use on the irrigable lands within the boundaries of, or owned by, the party and a permanent right to such

share or quantity upon completion of payment of the amount assigned for ultimate return by the party subject to payment of an appropriate share of such costs, if any, as may thereafter be incurred by the United States in its operation and maintenance of the project works; and

(5) provide for payment of rates under any contract entered into pursuant to said subsection (e) in advance of delivery of water on an annual or semiannual basis as specified in the contract.

(6) include a reasonable construction component in the rates set out in any long-term contract hereafter entered into under said subsection (e) prior to amortization of that part of the cost of constructing the project which is assigned to be repaid by the contracting party.

SEC. 2. The Secretary is hereby authorized to negotiate amendments to existing contracts entered into pursuant to section 9, subsection (e), of the Reclamation Project Act of 1939 to conform said contracts to the provisions of this Act.

SEC. 3. As used in this Act, the term "long-term contract" shall mean any contract the term of which is more than ten years.

SEC. 4. Nothing in this Act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary in carrying out the provisions of this Act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated and beneficial use shall be the basis, the measure, and the limit of the right.

SEC. 5. This Act shall be a supplement to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto).

REPORTS OF EXECUTIVE AGENCIES

The report of the Department of the Interior on this legislation is included hereinafter. The Department recommended certain amendments which have been included in H. R. 101 as passed by the House of Representatives. With these amendments incorporated the Department recommends enactment of this legislation. The Bureau of the Budget also submitted a report. The reports are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., October 21, 1955.

Hon. CLAIR ENGLE,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington 25, D. C.

MY DEAR MR. ENGLE: You have requested a report from this Department on H. R. 101, a bill relating to the administration by the

Secretary of the Interior of section 9, subsections (d) and (e), of the Reclamation Project Act of 1939.

This bill, if enacted, would alleviate several major objections that have been directed against the type of contract—sometimes called a "water service contract" or a "utility-type contract"—which has been written by virtue of section 9 (e) of the Reclamation Project Act of 1939. The complaints to which I refer are (1) that no assurance can be given in the contract itself or in any other document binding upon the Government that the contract will be renewed upon its expiration; (2) that the water users who have this type of contract are not assured that they will be relieved of payment of construction charges after the Government has recovered its entire irrigation investment; and (3) that the water users are not assured of a "permanent right" to the use of water under this type of contract.

These complaints, with which the Department of the Interior is entirely sympathetic, can be overcome by the enactment of suitable legislation. H. R. 101 would do so (1) by directing the inclusion in any "long-term" 9 (e) contract—that is, a contract the term of which is more than 10 years—of provision for renewal if the contracting organization so requests; (2) by providing for conversion of the 9 (e) contract to a standard 9 (d)-type repayment contract at such time as it is found that the repayment period permitted under the latter type of contract—normally 40 years—will permit completion of repayment of the water-users' share of the project construction costs; (3) by directing that the Secretary of the Interior shall each year credit to payment of construction charges so much of the amount paid by the contracting organization as is in excess of operation and maintenance costs for that year and that he shall, on completion of project construction or as far in advance thereof as possible, establish the total amount to be paid by each contracting organization; and (4) by providing that water users under these contracts shall, during their term, have a "first right * * * to a stated share or quantity of the project's available water supply" for use on their irrigable lands and a "permanent right to such share or quantity" after payment of their full share of the project's construction costs is completed.

Consideration of the bill leads us to recommend, in addition to the minor amendments hereafter suggested, that the bill be amended in two important respects:

(1) We recommend that, in order to avoid any possibility that this bill might be construed to depart from the basic policy of section 8 of the Reclamation Act of 1902, the provisions of that section be substantially reenacted as section 4 of this bill (the present sec. 4 being renumbered accordingly):

"SEC. 4. Nothing in this Act will be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary, in carrying out the provisions of this Act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any land-owner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated and beneficial use shall be the basis, the measure, and the limit of the right."

(2) We also recommend that the bill specifically require that a reasonable construction component be included in all long-term contracts entered into under its authority. To permit execution of long-term contracts which do not provide for collection of a share of construction costs would be a major departure from the basic reclamation policy that irrigation costs are to be reimbursable. It would appear that H. R. 101 is not intended to fix into the law any new principle in this respect. It is impossible, of course, to write a figure into the law that will be usable in all circumstances, but even a general provision will be helpful as a guide both to this Department and to water users. We suggest, therefore, that there be added to section 1 of the bill a new paragraph reading along these lines:

"(6) include a reasonable construction component in the rates set out in any long-term contract hereafter entered into under said subsection (e) prior to amortization of that part of the cost of constructing the project which is assigned to be repaid by the contracting party."

H. R. 101 proposes not only that its terms shall be applicable to all contracts written after its enactment but also that amendments to existing long-term 9 (e) contracts may be negotiated to conform them to its provisions.

Our endorsement of this legislation is not to be taken as a commitment to continued use of the 9 (e)-type contract. This is a matter to which further study is being given by this Department and by the Interdepartmental Committee on Water Resources Policy. But the number of 9 (e) contracts that are in existence and their very widespread use is such that there is not, we believe, sound reason for objecting to the enactment of legislation that would overcome the understandable complaints of water users under them. The situation with respect to the existence of long-term 9 (e) contracts as of April 1, 1955, is indicated in the following table on which are shown the number of such contracts in force in the various States:

California	27	North Dakota	2
Kansas	2	South Dakota	1
Montana	1		
Nebraska	3	Total	36

Detailed consideration of the bill suggests several minor amendments which we recommend be incorporated in it:

(*a*) We recommend the correction of a typographical error on page 2, line 5, in which "or" should clearly be "of".

(*b*) We recommend the incorporation in section 1, subdivision (2) of the bill (p. 2, lines 9–18) of provisions parallel to those set out in subdivision (1) of the same section with respect to the stating of terms and conditions on which a renewal will be made. This we suggest in order, first, to avoid any possibility of a contention that the presence of this language in one place and its absence in another is indicative of an intent that every holder of a 9 (e) contract shall acquire, virtually automatically, a right to convert to a 9 (d) contract and in order, secondly, that subdivision (2) may conform as closely as possible in this respect to the text of the amendments to H. R. 1770, 81st Congress, which were worked up jointly by representatives of the National Reclamation Association and of this Department. (See p. 13, lines 19 ff., of committee print of H. R. 1770, dated Jan. 28, 1950.)

It would be well, I believe, if our understanding of these provisions were made a matter of record at this place. This understanding is

that the terms and conditions which are to be stated are those on which the renewal or conversion will take place (for instance, upon notice of a desire to renew being given on or before a stated date; upon a determination that, on the basis of the latest available data, water supply is adequate to support the renewed contract and other existing contracts; upon condition that some other contract holder does not exercise an option that he may have, etc.) and not necessarily those of the renewed or converted contract itself. It is our further understanding that the two sentences at the end of subdivision (1) state, in effect, mandatory terms and conditions with respect to renewal and that the first of these sentences, dealing with increases or decreases in charges upon renewal, does not contemplate that the actual amount of increase or decrease or even a formula to govern the same shall necessarily be set out in the original contract but rather that this contract shall, in effect, reserve a right to both parties to reexamine the charges at the time that renewal becomes imminent.

(3) We recommend, finally, that there be added to section 1, subdivision (4), of the bill a proviso making it clear that the rights there spoken of are subject, as they are under section 8 of the Reclamation Act of 1902, to the rule that they are dependent upon beneficial use of the water in question.

With the amendments above suggested in mind, we recommend that H. R. 101 be enacted.

The Bureau of the Budget has advised that there would be no objection to the submission of this report to your committee. Its views with respect to H. R. 101 are expressed in a letter dated September 8, a copy of which is attached.

Sincerely yours,

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., September 8, 1955.

The honorable the SECRETARY OF THE INTERIOR.
(Attention: Mr. Elmer F. Bennett, 6C41 Interior Building.)

MY DEAR MR. SECRETARY: This will acknowledge receipt of Acting Secretary Davis' letter of May 27, 1955, requesting advice as to whether there is any objection to the submission of the Department's proposed report on H. R. 101, a bill relating to the administration by the Secretary of the Interior of section 9, subsections (d) and (e), of the Reclamation Project Act of 1939.

The Bureau of the Budget considers that the type of legislative authority which would be provided by H. R. 101 is needed. The bill, if amended as recommended in the Department's proposed report to the House Interior Committee, would generally appear to meet the desired objectives. However, neither the bill nor the recommendations for amendment contained in your proposed letter to the committee make it clear how the construction component to be included in the rates to be charged for water should be determined. We believe that the 9 (e) type of water service contract should not be used as a means of avoiding repayment of the construction investment within

a specified period of years or of indefinitely deferring negotiation of firm arrangements for transfer of the facilities to local groups. We, therefore, believe that the bill should require the Secretary to set water rates which would repay the irrigation investment without interest over a period of not more than 50 years, exclusive of any development period.

Subject to your consideration of these views, there would be no objection to the submission of your proposed report to the committee. However,, in any event, it is requested that a copy of this letter be submitted along with your report.

Sincerely yours,

(Signed) PERCY RAPPAPORT,
Assistant Director.

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Calendar No. 2264

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2243

PROVIDING FOR THE MAINTENANCE AND OPERATION OF THE BRIDGE TO BE CONSTRUCTED OVER THE POTOMAC RIVER FROM JONES POINT, VA., TO MARYLAND

JUNE 18, 1956.—Ordered to be printed

Mr. BIBLE, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany S. 3838]

The Committee on the District of Columbia, to whom was referred the bill (S. 3838) to provide for the maintenance and operation of the bridge to be constructed over the Potomac River from Jones Point, Va., to Maryland, after full consideration report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this bill is to provide that the bridge authorized to be constructed over the Potomac River from Jones Point, Va., to Maryland, shall be maintained and operated by and at the expense of the States of Maryland and Virginia, and the District of Columbia, in accordance with such arrangements as are agreed to by such States and the District of Columbia.

Title II of the act of August 30, 1954 (Public Law 704, 83d Cong.; 68 Stat. 963) authorized and directed the Secretary of the Interior to construct, maintain, and operate a six-lane bridge over the Potomac River, from a point at or near Jones Point, Va., across a certain portion of the District of Columbia, to a point in Maryland, together with bridge approaches on property owned by the United States in the State of Virginia.

The President, at the time of his approval of the above act, issued a statement that title II improperly vests responsibilities in the Department of the Interior, which is not a construction agency, and that such responsibilities should be placed in the Bureau of Public Roads, Department of Commerce, or in the Corps of Engineers of the Department of the Army, and that the act should be amended to correct this defect.

Accordingly, Public Law 534, 84th Congress, approved May 22, 1956, amended title II of the act of August 30, 1954, to authorize and

direct the Secretary of Commerce to construct a six-lane bridge over the Potomac River, from a point at or near Jones Point, Va., to a point in Maryland. The act of August 30, 1954, was also amended to provide that the bridge would be maintained and operated by the States of Virginia and Maryland.

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Calendar No. 2266

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2245

AMENDING SECTION 5 OF THE ACT OF AUGUST 7, 1946, ENTITLED "AN ACT FOR THE RETIREMENT OF PUBLIC SCHOOL TEACHERS IN THE DISTRICT OF COLUMBIA"

JUNE 18, 1956.—Ordered to be printed

Mr. BIBLE, from the Committee on the District of Columbia submitted the following

REPORT

[To accompany H. R. 10768]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10768) to amend section 5 of the act of August 7, 1946, entitled "An Act for the retirement of public school teachers in the District of Columbia", as amended, after full consideration, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this bill is to provide for increased annuities for all teachers and school officers who are now retired or may retire prior to December 31, 1957. The bill is designed to parallel the Civil Service Retirement Act of May 29, 1930, as amended (Public Law 369 of the 84th Cong., amended that act to provide increases to annuitants under the Civil Service Retirement Act). The amount of the increase is set forth on a percentage basis and would depend upon the commencing date of the annuity, as shown in the following schedule:

If annuity commences between—	Annuity not in excess of $1,500 shall be increased by—	Annuity in excess of $1,500 shall be increased by—
	Percent	*Percent*
Aug. 20, 1920, and June 30, 1955	12	8
July 1, 1955, and Dec. 31, 1955	10	7
Jan. 1, 1956, and June 30, 1956	8	6
July 1, 1956, and Dec. 31, 1956	6	4
Jan. 1, 1957, and June 30, 1957	4	2
July 1, 1957, and Dec. 31, 1957	2	1

Since the increases provided by H. R. 10768 would apply only to a group of persons who may have retired prior to December 31, 1957, the annual disbursements for such increases would be on a gradually declining basis by reason of mortality of annuitants. The present value of all such future disbursements, as of July 1, 1956, is estimated as $2,619,100. The first year's cost would be approximately $252,800. The bill would permit retired teachers to waive all or any part of their annuity to which they are entitled, in the same manner as persons retired under the Civil Service Retirement Act. Section 3 of Public Law 555 of the 82d Congress, approved July 16, 1952, gives such privilege to the latter group of employees.

This legislation has the approval of the Board of Commissioners of the District of Columbia, and at a hearing held by the Fiscal Affairs Subcommittee on April 24, 1956, on a companion bill, S. 3554, representatives from various teachers' organizations appeared and testified in favor of the bill.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

(60 Stat. 875; 66 Stat. 17)

SEC. 5. (a) That every teacher who shall be retired under the provisions of section 3 or section 4 of this Act shall receive an annuity composed of (1) a sum equal to 1 per centum of his average annual salary received during any five consecutive years of allowable service in the public schools of the District of Columbia, at the option of the teacher, multiplied by the years of service, plus a sum equal to $25 for each year of service or (2) a sum equal to 1½ per centum of his average annual salary received during any five consecutive years of allowable service in the public schools of the District of Columbia, at the option of the teacher, multiplied by the years of service: *Provided*, That with the exception of the computation of deferred annuities provided in section 9 of this Act no annual salary used in the computation of the average annual salary received during any five consecutive years of allowable service shall be less than the maximum salary for class 1, group A (established by the District of Columbia Teachers' Salary Act of 1947, as amended), as it was in the year the salary was received, or $4,330, whichever is greater. Annuities granted under the terms of this Act shall accrue monthly and shall be due and payable in monthly installments at the beginning of the month following the month for which the annuity shall have accrued, such monthly installments being computed to the nearest dollar. Annuities payable to any retired teacher who has become eligible for retirement because of age as defined in section 3 of this Act shall be payable during the lifetime of the annuitant. Annuities payable to any teacher retired on account of disability shall be subject to the conditions set forth under section 4 of this Act.

(b) Any teacher retiring under the provisions of section 3 or section 4 of this Act may, at the time of retirement, elect to receive in lieu of the life annuity described herein one of the following:

(1) A reduced annuity and an annuity after death payable to his or her survivng widow or widower designated by such teacher at time of retirement equal to 50 per centum of such life annuity. The life annuity of the teacher making such election shall be reduced by 5 per centum of so much thereof as does not exceed $1,500, plus 10 per centum of the balance of such life annuity, and shall be further reduced by three-fourths of 1 per centum of such life annuity for each full year, if any, the designated wife or husband is under age of sixty at time of retirement, but the total reduction shall in no case be more than 25 per centum of such life annuity. The annuity of such widow or widower shall begin on the first day of the month immediately following the month in which the death of the retired teacher occurs or the first day of the month following the widow's or widower's attainment of age fifty, whichever is the later, and such annuity or any right thereto shall terminate upon his or her death or remarriage.

(2) If unmarried and in good health, a reduced annuity payable to him during his life, and an annuity after his death payable to a survivor annuitant having an insurable interest in such teacher, duly designated in writing and filed with the Auditor of the District of Columbia at the time of retirement, during the life of such survivor annuitant equal to 50 per centum of such reduced annuity and upon the death of such survivor annuitant all payments shall cease and no further annuity shall be due and payable. The annuity hereunder payable to the teacher shall be 90 per centum of the life annuity otherwise payable if the survivor annuitant is the same age or older than the annuitant, or is less than five years younger than the annuitant; 85 per centum if the survivor annuitant is five but less than ten years younger; 80 per centum if the survivor annuitant is ten but less than fifteen years younger; 75 per centum if the survivor annuitant is fifteen but less than twenty years younger; 70 per centum if the survivor annuitant is twenty but less than twenty-five years younger; and 60 per centum if the survivor annuitant is twenty-five or more years younger. No such election shall be valid until the retiring teacher shall have satisfactorily passed a physical examination under the direction of the Health Officer of the District of Columbia, as prescribed by the Board of Education. No person shall be eligible to receive an annuity under this subsection and an annuity under subsection (b) of section 9 of this Act based upon the service of the same teacher covering the same period of time.

(3) A reduced annuity of equivalent value providing for a life-insurance benefit payable in a lump sum at the time of the annuitant's death. The face amount of such life insurance may be in any amount which the retiring teacher shall designate at the time of retirement but shall not exceed his contributions accumulated with interest to the date of retirement. Payment of such insurance shall be made in accordance with the provisions of section 10 of this Act. Any annuitant who elects to receive the reduced annuity with fixed life-insurance benefits may reconvert

the value of the life insurance to an additional annuity of equivalent value on any anniversary of the retirement date of said annuitant prior to reaching age seventy.

(c) (1) *The annuity of any person who now or hereafter is receiving or entitled to receive an annuity from the teachers' retirement and annuity fund shall be increased, effective on October 1, 1955, or on the commencing date of the annuity, whichever is later, in accordance with the following schedule:*

"If annuity commences between—	*Annuity not in excess of $1,500 shall be increased by—*	*Annuity in excess of $1,500 shall be increased by—*
August 20, 1920, and June 30, 1955	*12 per centum*	*8 per centum*
July 1, 1955, and December 31, 1955	*10 per centum*	*7 per centum*
January 1, 1956, and June 30, 1956	*8 per centum*	*6 per centum*
July 1, 1956, and December 31, 1956	*6 per centum*	*4 per centum*
January 1, 1957, and June 30, 1957	*4 per centum*	*2 per centum*
July 1, 1957, and December 31, 1957	*2 per centum*	*1 per centum*

Such increase in annuity shall not exceed the sum necessary to increase such annuity, exclusive of annuity purchased by voluntary contributions under this Act, to $4,104. The monthly installment of each annuity so increased shall be fixed at the nearest dollar.

(2) The increases provided by this subsection, when added to the annuities of retired employees, shall not operate to increase the annuities of their survivors, except that the annuity of any such survivor who becomes entitled to annuity shall be increased by the per centum provided in subsection (c) (1) of this section appropriate to the commencing date of such survivors annuity.

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Calendar No. 2267

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2246

AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE CONSTRUCTION OF CERTAIN HIGHWAY-RAILROAD GRADE SEPARATIONS IN THE DISTRICT OF COLUMBIA

JUNE 18, 1956.—Ordered to be printed

Mr. BIBLE, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany S. 2704]

The Committee on the District of Columbia, to whom was referred the bill (S. 2704) to authorize the appropriation of funds for the construction of certain highway-railroad grade separations in the District of Columbia, and for other purposes, after full consideration, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 9, strike "$634,000", and in lieu thereof insert "$665,000".

PURPOSES OF THE BILL

This bill authorizes partial reimbursement of the District of Columbia for its share of the cost of certain highway-railroad grade separations and prohibits assessment of any of the cost against the railroads involved.

The project is at a point in the southeast section of the District of Columbia in the vicinity of East Capitol Street, where the proposed extension of East Capitol Street as shown on the highway plan of the District of Columbia will cross the right-of-way of the Philadelphia, Baltimore & Washington Railroad (operated under lease by the Pennsylvania RR.) and the Baltimore & Ohio Railroad.

The total cost of the project is estimated at $1,995,000.

PRESENT FINANCING

At present, about 65 percent of this cost is to be paid from Federal-aid funds available to the District and one-half of the balance is to be paid each by the District and the railroads, pursuant to a contract.

The committee is advised, however, that the railroads became parties to the existing and revised agreements under the duress of threatened action by the District under the Union Station Act of 1903 to compel payment by the Commissioners of the District of Columbia of 50 percent of the entire cost of the project. On behalf of the carriers it is claimed that since the railroads receive no benefit whatever from the separation, they should not be compelled to pay anything toward the cost.

REASONS FOR ENACTMENT

This bill is virtually identical in form, in substance, and in justification with a bill, H. R. 6080, which was unanimously approved in 1954, and which was enacted into law as Public Law 571 of the 83d Congress.

Your committee believe that the railroads have no proper obligation to share in the cost of this project for the following reasons:

The East Capitol Street railway-highway underpass was necessitated by the construction of the East Capitol Street Bridge. The bridge was authorized by Congress in Public Law 534 of the 81st Congress. Section 1 of that law shows the relationship of the bridge to the Federal highway system quite clearly by directing that an access road be provided "to interconnect the Washington-Annapolis Freeway and the Baltimore-Washington Parkway with said bridge and its east approaches." It is therefore clear that the East Capitol Street Bridge is part of a Federal interstate highway project.

In addition, there is no modern precedent in the District of Columbia for imposing the cost of the grade separation portion of this Federal highway project on the railroad carriers whose tracks are affected.

Almost without exception, grade separation projects in the recent past constructed within the District have been financed entirely with Federal funds. The exceptions were those grade separation projects that were desired by the railroads and were of benefit to them.

Finally, the existing financing arrangement is contrary to established Federal policy, as set forth in memorandum No. 325, issued August 26, 1948, by the Public Roads Administration, which provides, in paragraph 4, as follows:

> Where a new street or highway is established which is not essentially a relocation of an existing street or highway and intersects an existing railroad at grade, the construction of a separation structure or the installation of a signal device at such crossing will not be considered as a benefit to the railroad, and no contribution by the railroad will be required * * *.

Clearly, this project falls within that description and is of no benefit whatever to the railroads but actually will serve competing transportation media (buses and trucks) and probably result in loss of business for the railroads.

PROVISIONS OF THE BILL

Section 1 of the bill authorizes appropriation of Federal funds to be credited to the District highway funds in the amount of $665,000. This amount has been increased by the committee from the figure

originally provided in the bill, in order to bring it in line with actual construction cost.

Section 2 merely specifies what the money may be used for.

Section 3, in effect, would nullify the provisions of the existing contract between the District and the railroads which require the railroads to contribute to the cost of the project by prohibiting assessment of any of the cost against the railroads. The District Commissioners requested an amendment, which your committee has not adopted, to make this provision contingent upon actual appropriation of the full authorized amount. For the reasons set forth above, your committee believes that since the railroads derive no benefit but are actually harmed by the separation project, they should not be required to pay anything, regardless of the extent of Federal participation.

Section 4 is not controversial and merely provides that the dedication by the railroads to the District of Columbia of the right to use as a public thoroughfare the portion of East Capitol Street extended shall not impair or affect the right of the railroads touse for railroad purposes the portion of its right-of-way so dedicated.

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Calendar No. 2268

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2247

AMENDING THE ACT ENTITLED "AN ACT TO PROVIDE ADDITIONAL REVENUE FOR THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES," APPROVED AUGUST 17, 1937, AS AMENDED

JUNE 18, 1956.—Ordered to be printed

Mr. BIBLE, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany H. R. 11487]

The Committee on the District of Columbia, to which was referred the bill (H. R. 11487) to amend the act entitled "An act to provide additional revenue for the District of Columbia, and for other purposes," approved August 17, 1937, as amended, after full consideration reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Page 3, at the end of the bill insert a new section as follows:

> SEC. 4. The first proviso of paragraph (c) of section 3, chapter 6, of title 40 of the Code of Laws of the District of Columbia, 1951 edition, relating to issuance of congressional tags, is amended by inserting after the phrase "to the elective officers and disbursing clerks of the Senate and the House of Representatives" a comma and the words "the Chief Clerk of the Senate, the Parliamentarian of the Senate, the Deputy Sergeant at Arms, Auditor, and Procurement Officer of the Senate.

Under existing, law (act of August 17, 1937 (50 Stat. 680)) a trailer cannot legally be operated within, into, or out of the District of Columbia, by a District resident, unless the trailer bears a District registration tag. There is a growing expansion in the automotive field in the small, two-wheel trailer rental service, under which a person may rent a trailer in one jurisdiction, attach it to his private motor vehicle, travel to another jurisdiction, and surrender the trailer to the local branch of the rental service. It may thus happen that a trailer registered in another jurisdiction will terminate a trip in the District of Columbia.

Inasmuch as this type of service is a convenient and practical service for persons moving small quantities of personal property, it is believed that the provision in existing law prohibiting the operation by District residents of trailers registered elsewhere than in the District should be qualified.

Under present law (act of August 17, 1937, as amended by the act approved May 18, 1954 (68 Stat. 101)), the fees for the small, 2-wheel trailers used principally to carry luggage and other personal belongings range from $12 to $26. The $26 fee, however, is greater than the $22 fee required for the registration of a passenger motor vehicle weighing up to 3,500 pounds. In view of this, the $26 fee for a small trailer would appear excessive. Accordingly, the bill would amend the act of August 17, 1937, so as to reduce the fee for a small trailer to an amount more in keeping with the size and character of the vehicle.

The bill also contains a provision which would amend the act of August 17, 1937, in such manner as to relieve the owner of an "antique motor vehicle" from the payment of the usual motor vehicle fee of $22 or $32, as the case may be, and substitute in lieu thereof a fee of $5. This would be accomplished by inserting a "class E" in subsection (b) of section 3 of title IV of the act of August 17, 1937, establishing a fee of $5 for a motor vehicle found to be manufactured prior to January 1, 1930, and owned solely as a collector's item, with its use limited to participation in club activities, exhibits, tours, parades, and similar uses, but in no event for general transportation.

The purpose of the amendment is to include the Chief Clerk of the Senate, the Parliamentarian of the Senate, and the Deputy Sergeant at Arms of the Senate with those other officers of the Senate and House of Representatives authorized to be issued congressional tags.

This legislation was requested by and has the approval of the Board of Commissioners of the District of Columbia.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

(50 Stat. 680; 64 Stat. 792)

SEC. 2. (a) No motor vehicle or trailer shall be operated (except motor vehicles or trailers operated by nonresidents, exempted under the provisions of section 8 of the District of Columbia Traffic Act, 1925, as amended, motor vehicles or trailers covered by a dealer's registration as provided in subsection (b) (1) of this section, and motor vehicles or trailers covered by a special use certificate as provided in subsection (b) (4) of this section) unless registered in the department of vehicles and traffic of the District of Columbia by the owner thereof. Upon receipt of an application from the owner of a motor vehicle or trailer and (except in the case of a motor vehicle or trailer covered by subsection (b) (2) of this section) payment of a registration fee computed as provided in section 3, and if there is in force with respect to such motor vehicle or trailer a valid certificate of title issued under the District of Columbia Traffic Act, 1925, as amended, the director

shall issue to such owner a registration certificate and identification tags for such motor vehicle or trailer.

(b) The Commissioners of the District of Columbia by regulation shall provide for the issuance by the director—

(1) annually to any dealer, upon payment of the fee prescribed in section 3, of a registration certificate and identification tags bearing a distinguishing dealer's mark, for interchangeable use on motor vehicles and trailers in accordance with regulations promulgated by the Commissioners;

(2) annually, without charge, of certificates of registration and identification tags for all motor vehicles and trailers owned by the United States or by the District of Columbia, or officially used by any duly accredited representative of a foreign government;

(3) of duplicate registration certificates or duplicate identification tags, upon proof satisfactory to the director of loss, mutilation, or destruction thereof, upon payment of a fee of $1 for each set of duplicate tags or 50 cents for each duplicate registration certificate; and

(4) to any person, upon payment of a fee of $1, of a special use certificate and special use identification tags bearing a distinguishing mark, valid for a period not exceeding ten days, for use on a motor vehicle or trailer in accordance with regulations promulgated by the Commissioners: *Provided*, That if any person be convicted of a violation of such regulations, the director may refuse thereafter to issue a special use certificate and special use identification tags to such person for a period of one year: *Provided further*, That the issuance of a special use certificate and special use identification tags for a motor vehicle or trailer shall not constitute a registration of such motor vehicle or trailer for any purpose.

(c) Every registration made under this title shall expire at midnight on the last day of the registration year for which the registration was made, unless the time be extended by the Commissioners. Any such registration may be renewed for the ensuing registration year upon application made by the owner during the months of February and March, and upon payment of the fees required by law. During the month of March it shall be lawful to operate a motor vehicle or trailer registered for the ensuing registration year. For the purposes of this title, a registration year shall be deemed to begin on April 1 and end on March 31.

(d) Upon the sale or other transfer to another owner of any motor vehicle or trailer registered under this title, the registration thereof shall expire. The owner selling or otherwise transferring such vehicle or trailer may register another motor vehicle or trailer for the unexpired portion of the registration year upon payment of a fee of $1 and a sum equal to the difference between the registration fee originally paid and the fee computed for such other motor vehicle or trailer under section 3, in case the latter is the greater. Upon the death of a joint owner of a motor vehicle or trailer registered under this chapter the registration thereof shall be transferred to the survivor or survivors and the fee for such transfer shall be $1.

(e) The commissioners of the District of Columbia are authorized to prescribe such regulations as may be necessary to carry out the provisions of this title and shall prescribe such forms of appli-

cation for registration and for a special use certificate, such forms of registration and special use certificate, such design of identification tags, and provide for the keeping of such records of registration and issuance of special use certificates and transfers of registration as will facilitate the identification and the regulation of motor vehicles and trailers operated in the District of Columbia.

(f) The Commissioners of the District of Columbia are further authorized to prescribe regulations under which the director may revoke or suspend the registration of any dealer who shall cease to be a dealer as defined in this title, or who shall have violated the provisions of this title or the regulations promulgated thereunder by the Commissioners, and to revoke or suspend and provide for the return to the director of all dealers' identification tags issued to such dealer, subject to review by the Commissioners under rules and regulations prescribed by them. Pending such review, any such order of revocation or suspension shall be stayed unless the Commissioners shall otherwise direct. No order of the director or the Commissioners hereunder shall be set aside or suspended by any court unless such order is arbitrary or capricious.

(g) Notwithstanding the provisions of this Act, any two-wheel semitrailer owned by a nonresident owner which is offered for lease for a period not in excess of one year to operators of private motor vehicles for the purpose of transporting the lessee's personal property and which does not exceed (1) a maximum unladen weight of one thousand five hundred pounds, (2) a maximum gross vehicular weight of three thousand pounds, and (3) a maximum outside width of eighty-four inches, shall be exempt from registration and registration fees in the District of Columbia if such trailer is registered in the State, Territory, province, or country in which the owner has his residence.

(50 Stat. 681; 64 Stat. 793)

SEC. 3. (a) There shall be levied, collected, and paid for each registration year for each motor vehicle or trailer required to be registered hereunder, the registration fee provided in this section.

(b) Class A. For each gasoline-propelled passenger vehicle, including passenger vehicles licensed under paragraph 31 (d) of section 7 of the District of Columbia Appropriation Act for the fiscal year ending June 30, 1903, approved July 1, 1902, as amended by the Act of Congress approved July 1, 1932—

(1) When wholly equipped with pneumatic tires, the manufacturer's shipping weight of which is less than three thousand five hundred pounds, $22; three thousand five hundred pounds or more, $32.

(2) When wholly or partially equipped with other than pneumatic tires, double the above fees.

Class B. For each gasoline-propelled truck, tractor, and passenger-carrying vehicle for hire having a seating capacity of eight passengers or more in addition to the driver or operator, with the exception of passenger vehicles licensed under paragraph 31 (b) of section 7 of the District of Columbia Appropriation Act for the fiscal year ending June 30, 1903, approved July 1, 1902, amended by the act of Congress approved July 1, 1932—

(1) When wholly equipped with pneumatic tires, the manufacturer's shipping weight of the chassis, plus the weight of the cab and body, is

less than three thousand pounds, $40; three thousand pounds or more but less than four thousand pounds, $44; four thousand pounds or more but less than five thousand pounds, $52; five thousand pounds or more but less than six thousand pounds, $60; six thousand pounds or more but less than seven thousand pounds, $68; seven thousand pounds or more but less than eight thousand pounds, $74; eight thousand pounds or more but less than nine thousand pounds, $84; nine thousand pounds or more but less than ten thousand pounds, $96; ten thousand pounds or more but less than twelve thousand pounds, $122; twelve thousand pounds or more but less than fourteen thousand pounds, $142; fourteen thousand pounds or more but less than sixteen thousand pounds, $172, sixteen thousand pounds or more, $202: *Provided*, That in determining the total weight of a vehicle subject to the provisions of this clause, there shall be excluded, in computing such weight, the weight of any special equipment which is subject to taxation as tangible personal property under subsection (e) of this section.

(2) When wholly or partially equipped with other than pneumatic tires, double the above fees.

[Class C. For each trailer, when the manufacturer's shipping weight of the chassis plus the weight of the body is less than three hundred pounds, $12; three hundred pounds or more but less than five hundred pounds, $16; five hundred pounds or more but less than one thousand pounds, $26; one thousand pounds or more but less than two thousand five hundred pounds, $36; two thousand five hundred pounds or more but less than three thousand five hundred pounds, $46; three thousand five hundred pounds or more but less than six thousand pounds, $60; six thousand pounds or more but less than eight thousand pounds, $74; eight thousand pounds or more but less than ten thousand pounds, $92; ten thousand pounds or more but less than twelve thousand pounds, $122; twelve thousand pounds or more but less than sixteen thousand pounds, $152; sixteen thousand pounds or more, $182: *Provided*, That in determining the total weight of a trailer subject to the provisions of this class C, there shall be excluded, in computing such weight, the weight of any special equipment which is subject to taxation as tangible personal property under subsection (e) of this section.]

Class C. For each trailer, when the manufacturer's shipping weight of the chassis, plus the weight of the body, is less than five hundred pounds, $8; five hundred pounds or more but less than one thousand pounds, $12; one thousand pounds or more but less than one thousand five hundred pounds, $20; one thousand five hundred pounds or more but less than two thousand five hundred pounds, $32; two thousand five hundred pounds or more but less than three thousand five hundred pounds, $46; three thousand five hundred pounds or more but less than six thousand pounds, $60; six thousand pounds or more but less than eight thousand pounds, $74; eight thousand pounds or more but less than ten thousand pounds, $92; ten thousand pounds or more but less than twelve thousand pounds, $122; twelve thousand pounds or more but less than sixteen thousand pounds, $152; sixteen thousand pounds or more, $182: Provided, That in determining the total weight of a trailer subject to the provisions of this class C, there shall be excluded in computing such weight, the weight of any special equipment which is subject to taxation as tangible personal property under subsection (e) of this section.

Class D. For each motorcycle, motor bicycle, motor tricycle, and motor wheel, $12.00.

Class E. For each motor vehicle classified by the Commissioners or their designated agent as an antique motor vehicle on the basis of a finding that such vehicle was manufactured prior to January 1, 1930, and is owned solely as a collector's item, with its use limited to participation in club activities, exhibits, tours, parades, and similar uses, but in no event for general transportation, $5.

Class F. For dealers' identification tags, first three sets of tags, $50, and $10 for each additional set.

(c) When application for registration of any motor vehicle or trailer or for registration as a dealer or for issuance of dealers' identification tags is received by the director on or after October 1, the registration fee, or the fee for issuance of dealers' identification tags shall be one-half the amount otherwise provided.

(d) Proceeds from fees payable under this title shall be divided between the General Fund and the Highway Fund. The Commissioners are authorized and empowered to determine the percentage of all proceeds from fees payable under this title which shall be deposited to the credit of the General Fund of the District of Columbia: *Provided*, That the percentage of proceeds deposited to the credit of the General Fund shall be not less than sixty-four per centum or more than seventy-four per centum of all proceeds from fees payable under this title. The remainder of such proceeds payable under this title, all moneys collected from the motor-vehicle-fuel tax, and fees charged for the titling of motor vehicles and trailers, including fees charged for the issuance of permits to operate motor vehicles, shall be deposited in a special account in the Treasury of the United States entirely to the credit of the District of Columbia and shall be appropriated and used solely and exclusively for the following purposes:

(1) For construction, reconstruction, improvement, and maintenance of public highways, including the necessary administrative expenses in connection therewith;

(2) For the expenses of the office of the director of vehicles and traffic incident to the regulation and control of traffic and the administration of the same; and

(3) For the expenses necessarily involved in the police control, regulation, and administration of traffic upon the highways: *Provided, however*, That the total amount to be expended under this item shall not exceed 15 per centum of the total payment appropriated for pay and allowances of officers and members of the Metropolitan Police force.

For the fiscal year 1938 all moneys appropriated for the construction, reconstruction, improvement, and maintenance of highways and administrative expenses in connection therewith, all moneys appropriated for the department of vehicles and traffic, and 15 per centum of all moneys appropriated for pay and allowances for officers and members of the Metropolitan Police force shall be paid from and chargeable against the fund hereby created.

(e) Notwithstanding the provisions of this Act, special equipment mounted on a motor vehicle or trailer and not used primarily for the transportation of persons or property shall be taxed as tangible personal property as provided by law. For the purpose of determining the fees authorized by clause 1 of class B and class C of subsection (b)

of this section, the weight of special equipment taxed in accordance with the provisions of this subsection (e) shall be excluded in computing the weight of the vehicle or trailer on which it is mounted.

(43 Stat. 1121; 59 Stat. 313)

SEC. 6. (a) The Commissioners of the District of Columbia are authorized and empowered to make, modify, repeal, and enforce usual and reasonable traffic rules and regulations relating to vehicles, and rules and regulations concerning the control of traffic, the registration of motor vehicles, and the issuance and revocation of operators' permits; and to exercise any power or perform any duty imposed on the director of traffic, which office is hereby abolished; and in the administration of the above powers and authority the commissioners may exercise the same through such officers or agents of the District as the commissioners may designate: *Provided*, That no member of the Metropolitan Police Department may be empowered to perform any function under this Act other than in the enforcement thereof.

(b) There is established in the government of the District of Columbia a department of vehicles and traffic, which, under the direction of the commissioners, shall have charge of the issuance and revocation of operators' permits, the registration and titling of motor vehicles, the making of traffic studies and plans, the installation and maintenance of traffic signs, signals, and markers, and of such other matters as may be determined by the commissioners. The commissioners shall appoint a director of vehicles and traffic, who shall be in charge of said department, and such other personnel as they may deem necessary to perform the duties thereof and as may be appropriated for by Congress. The salaries of such director of vehicles and traffic and other personnel shall be fixed in accordance with the Classification Act of 1923 (U. S. C., title 5, § 673). The director of vehicles and traffic shall be responsible directly to the commissioners for the faithful performance of his duties and shall be subject to removal by the commissioners for cause.

(c) The Commissioners of the District of Columbia are authorized and empowered to make, modify, and enforce reasonable regulations in respect to brakes, horns, lights, mufflers, and other equipment, the inspection of the same; the registering, reregistering, titling, retitling, transferring of titles, and revocation of the certificate of title to motor vehicles and trailers: *Provided*, That congressional tags shall be issued by the commissioners under consecutive numbers, one to each Senator and Representative in Congress, to the elective officers and disbursing clerks of the Senate and the House of Representatives, *the Chief Clerk of the Senate, the Parliamentarian of the Senate, the Deputy Sergeant-at-Arms, Auditor, and Procurement Officer of the Senate*, the Parliamentarian of the House of Representatives, the attending physician of the Capitol, and the assistant secretaries (one for the majority and one for the minority of the Senate), for their official use, which, when used by them individually while on official business, shall authorize them to park their automobiles in any available curb space in the District of Columbia, except within fire plug, fire house, loading station, and loading platform limitations, and such congressional tags shall not be assigned to or used by others: *Provided further*,

That such congressional tags shall be valid only for the Congress in which such tags are so issued, and it shall be unlawful to display such congressional tags for a period longer than thirty days after the opening of the next Congress.

Any person violating this section shall be fined not more than $300 or imprisoned not more than ninety days, or both.

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Calendar No. 2269

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2248

AMENDING THE ACTS OF FEBRUARY 28, 1903, AND MARCH 3, 1927, RELATING TO THE PAYMENT OF THE COST AND EXPENSE OF CONSTRUCTING RAILWAY-HIGHWAY GRADE ELIMINATION STRUCTURES IN THE DISTRICT OF COLUMBIA

JUNE 18, 1956.—Ordered to be printed

Mr. BIBLE, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany S. 2895]

The Committee on the District of Columbia, to whom was referred the bill (S. 2895) to amend the acts of February 28, 1903, and March 3, 1927, relating to the payment of the cost and expense of constructing railway-highway grade elimination structures in the District of Columbia, after full consideration, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 2, line 7 and page 4, line 1, strike the word "project" and in lieu thereof insert the word "projects".

Page 2, line 17, and page 4, line 10, after the word "project:" add the following:

> *Provided further*, That the obligation within this limit of the railroad carrier affected shall be determined in accordance with the provisions of subparagraph (b) of section 5 of the Federal-Aid Highway Act of 1944;

HISTORY

Senate Report No. 1777, 83d Congress, 2d session, to accompany H. R. 6080, contains a request that the Commissioners of the District of Columbia report to your committee by January 15, 1955, any recommendations for modernization of the Union Station Act (sec. 10, act of Feb. 28, 1903, 32 Stat. 918; D. C. Code, 1951 edition, sec. 7–1214), as amended in 1927 (sec. 3, act of Mar. 3, 1927, 44 Stat. 1353; D. C. Code, 1951 edition, sec. 7–1215).

The Commissioners, by order No. 54–749, dated April 6, 1954, appointed a committee known as the Railway-Highway Division of

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Costs Committee to consider the question of whether existing law, relating to the division of costs between the District of Columbia and the railroad companies of constructing railway-highway grade separation structures, should be amended in order to provide for a more equitable division of such costs.

The committee consisted of 3 representatives of the District of Columbia government, 1 representative of the Pennsylvania Railroad, and 1 representative of the Baltimore & Ohio Railroad Co. The Railway-Highway Division of Costs Committee did considerable work in connection with this question, including an analysis of State laws and practices concerning the allocation to railroads of construction and maintenance costs of railway-highway grade separation projects. The committee submitted its report to the Board of Commissioners on January 28, 1955. Upon approval of the report, the Commissioners submitted to Congress a draft of a bill containing the recommendations of the committee.

PURPOSE

The purpose of the bill is to provide that:

(1) The District of Columbia shall apply to the payment of the cost and expense of the highway-railway grade separation projects referred to in said acts all Federal aid highway-railway grade separation funds available for use by the District on such projects at the time such projects are programed and all such funds which become available for use by the District on such projects during the construction of such projects.

(2) In the event that Federal-aid highway-railway grade separation funds available to the District of Columbia are insufficient to pay the total cost and expense of such grade separation projects, the total cost and expense of said separation projects not paid with such Federal-aid funds shall be borne and paid one-half by the railroad company whose tracks are crossed and one-half by the District of Columbia: *Provided, however,* That the railroad company's share of such cost shall not in any case exceed 10 percent of the total cost and expense of such projects.

(3) After construction the cost of maintenance shall be wholly borne in the case of highway overpasses by the District of Columbia and in the case of highway underpasses by the railroad company.

COMMITTEE AMENDMENTS

The word "project" appearing on page 2, line 7 and page 4, line 1 of the bill has been changed to "projects." This is a noncontroversial amendment designed to bring the language of the bill into conformity with the recommendation of the Railway-Highway Division of Costs Committee that all Federal-aid highway-railway grade separation funds which become available for use by the District on highway-railway grade separation projects during the construction of such projects are to be applied by the District to the payment of the cost and expense of such projects.

The amendment on page 2, line 17, and page 4, line 10 would remove the requirement for the railroad company to pay up to 10 percent when there is no benefit to the railroad and would make the bill

conform to existing Federal policy and regulations of the Bureau of Public Roads.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

(32 Stat. 918; 55 Stat. 182)

SEC. 10. That in the location, construction, and maintenance of the connecting line of railroad which the Philadelphia, Baltimore and Washington Railroad Company is by this Act authorized and empowered to locate, construct, maintain, and operate, from the point hereinbefore mentioned on the north line of Montana avenue to a point of connection with its railroad near Magruder Station, in the State of Maryland, said Philadelphia, Baltimore and Washington Railroad Company shall have, be possessed of, and exercise the powers and processes of condemnation as prescribed by section nine of this Act, and also all authorities, rights, powers, privileges, and franchises conferred upon or vested in the Baltimore and Ohio Railroad Company by the twelfth section of said Act relating to it, approved February twelfth, nineteen hundred and one, in respect to the line of railroad therein authorized, and shall be subject to the same limitations and restrictions as in said twelfth section set forth.

INTERSECTING HIGHWAYS

Any and all streets or highways within the District of Columbia now or hereafter planned or projected to cross any line of railroad, other than a street railway, in the District of Columbia, which may be hereafter opened to public use, shall be located, constructed, and maintained either beneath such railroad by a suitable subway or above the same by a suitable viaduct bridge at such altitude as will not interfere with the free and safe operation thereof: *Provided, however*, That nothing herein contained shall require the location, construction, or maintenance of any such street or highway under or above any spur, industrial, switching or side track, or branch line of any railroad unless the Commissioners of the District of Columbia shall find the same is necessary in the public safety. [The cost and expense of opening said streets or highways within the limits of such railroad company's right of way, including the cost of constructing the portion of any viaduct bridge, within said limits, shall be borne and paid half by such railroad company, its successors and assigns, and half by the District of Columbia and the United States, but after construction the cost of maintenance shall be wholly borne and paid as in the case of other public highways in the District of Columbia; and the portions of such streets now or hereafter planned or projected as above which lie within a right of way belonging to such railroad company shall be dedicated by such company as a public thoroughfare when the portions of such street adjoining such right of way have been similarly dedicated or otherwise acquired.] *The cost and expense of any project for opening any such street or highway within the limits of such railroad*

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company's right-of-way, including the cost of constructing the portion of any viaduct bridge, within said limits, shall be borne and paid as follows:

(1) The District of Columbia shall apply to the payment of such cost and expense all Federal aid highway-railway grade separation funds available for use by the District of Columbia at the time any such project is programed and all such funds which become available for use on such projects by the District of Columbia during the construction of such project;

(2) If such Federal aid highway-railway grade separation funds are insufficient to pay the cost and expense of any such project, the portion not so covered shall be paid one-half by the railroad company, its successors and assigns, whose tracks are crossed and one-half by the District of Columbia: Provided, That in no case shall the obligation of the railroad company affected exceed 10 per centum of the total cost and expense of such project; Provided further, That the obligation within this limit of the railroad carrier affected shall be determined in accordance with the provisions of subparagraph (b) of section 5 of the Federal-Aid Highway Act of 1944;

(3) After construction, the cost of maintenance shall be wholly borne and paid in the case of highway overpasses by the District of Columbia, and in the case of highway underpasses by the railroad company, its successors and assigns, whose tracks are crossed; and

(4) The portions of such streets planned or projected as above which lie within a right-of-way belonging to such railroad company shall be dedicated by such company as a public thoroughfare when the portions of such street adjoining such right-of-way have been similarly dedicated or otherwise acquired.

(44 Stat. 1353; D. C. Code, 1951 edition, Sec. 7–1215)

SEC. 3. Hereafter the Commissioners of the District of Columbia are authorized, whenever in their judgment it may be necessary for the public safety, and subject to appropriations to be made therefor by Congress, to construct subways or viaducts and approaches thereto, in accordance with plans and profiles of said works to be approved by them, to carry any street or highway crossing at grade any line of [steam] railroad track or tracks in the District of Columbia, or any street or highway within the District of Columbia now or hereafter planned or projected to cross any such line of railroad, under or over said track or tracks: [*Provided*, That one-half of the total cost of constructing any viaduct or subway and approaches thereto shall in each case be paid by the railroad company, its successors or assigns, whose tracks are so crossed; and in the event the rights-of-way of two or more railroad companies are so crossed said half cost as herein provided shall be paid by the said railroad companies, their successors or assigns, in proportion to the widths of their respective land holdings, and all] *Provided, That the total cost of constructing any project for such viaduct or subway and approaches thereto shall be borne and paid as follows:*

(1) The District of Columbia shall apply to the payment of the cost of such project all Federal aid highway-railway grade separation funds available for use by the District of Columbia at the time any such project is programed and all such funds which become available for use on such projects by the District of Columbia during the construction of such project; and

(2) *If such Federal aid highway-railway grade separation funds are insufficient to pay the cost of any such project, the portion not so covered shall be paid one-half by the railroad company, its successors and assigns, whose tracks are crossed and one-half by the District of Columbia: Provided further, That in no case shall the obligation of the railroad company affected exceed 10 per centum of the total cost of such project: Provided further, That the obligation within this limit of the railroad carrier affected shall be determined in accordance with the provisions of subparagraph (b) of section 5 of the Federal-Aid Highway Act of 1944: Provided further, That in the event the rights-of-way of two or more railroad companies are so crossed said half cost as herein provided shall be paid by the said railroad companies, their successors and assigns, in proportion to the widths of their respective landholdings, but the obligations of such companies shall not, in the aggregate, exceed 10 per centum of the cost of such project: Provided further, That after construction the cost of maintenance shall be wholly borne and paid in the case of highway overpasses by the District of Columbia, and in the case of highway underpasses by the railroad company, its successors and assigns, whose tracks are crossed: Provided further, That in the event the rights-of-way of two or more railroad companies are so crossed, the cost of maintenance shall be borne and paid in the case of highway underpasses by the said railroad companies, their successors and assigns, in proportion to the widths of their respective land holdings. All* provisions in respect to the method of payment and credit of said half cost, creation of a lien in respect thereto and enforcement thereof, conditions of use thereof by street railway companies, and every other kind of condition provided in section 1 hereof, and the authorization and every condition in respect thereto for the acquisition of any necessary land provided in section 2 hereof, in relation to the viaducts and their approaches therein authorized, are hereby made applicable to the subways, viaducts, and approaches authorized in this section the same as if enacted at length herein.

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Calendar No. 2270

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2249

AMENDING THE DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1953 TO CORRECT CERTAIN INEQUITIES

JUNE 18, 1956.—Ordered to be printed

Mr. BIBLE, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany H. R. 7380]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7380) to amend the District of Columbia Police and Firemen's Salary Act of 1953 to correct certain inequities, after full consideration, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Beginning on page 1, strike all of sections 2, 3, 4, and 5 through page 3.

Page 3, line 5, strike "SEC. 6." and insert in lieu thereof "SEC. 2."

Page 3, line 5, strike the word "amendments" and in lieu thereof insert "amendment".

The purpose of the bill is to amend section 201 (b) (2) of the District of Columbia Police and Firemen's Salary Act of 1953, as amended, so as to provide that the basic annual salary of a private of any class of the Fire Department shall be increased by $224, while he is assigned to duty as a regular first driver-operator or tillerman of a fire department hose wagon, pumper, aerial ladder truck, rescue squad, or fire department ambulance.

Hearings on the bill indicated that practically all of the men affected by this legislation are men who formerly served for many years as hose wagon or truck drivers and who were reassigned to their present positions in order that younger members could be made available to perform the more arduous duties incident to driving certain fire apparatus. It appears to your committee that no penalty should be attached to reassignment of duties unless a lack of ability or efficiency has been established.

This measure would affect 62 pumper operators and 34 tillermen at a cost of $21,504 per annum.

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CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

(4–815 (b) D. C. Code, 68 Stat. 1000)

(b) The annual basic salary of a private of any class of the Fire Department of the District of Columbia shall be increased by—

(1) $390, while he is assigned to duty as an aide to the Fire Chief or to a Deputy or Battalion Fire Chief;

[(2) $208, while he is assigned to duty as a regular first driver-operator of a fire department hose wagon, aerial ladder truck, rescue squad, or fire department ambulance;]

(2) $224, while he is assigned to duty as a regular first driver-operator or tillerman of a fire department hose wagon, pumper, aerial ladder truck, rescue squad, or fire department ambulance;

(3) $390, while he is assigned to duty as a chief radio technician; and

(4) $208, while he is assigned to duty as a chief photographer.

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Calendar No. 2271

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2250

AMENDING THE ACT RELATING TO CEMETERY ASSOCIATIONS

JUNE 18, 1956.—Ordered to be printed

Mr. BIBLE (for Mr. MORSE), from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany S. 2896]

The Committee on the District of Columbia, to whom was referred the bill (S. 2896) to amend the act relating to cemetery associations, after full consideration, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this bill is to authorize the Commissioners of the District of Columbia, without regard to the provisions of section 27–114 of the District of Columbia Code (act of March 3, 1901, 31 Stat. 1295, ch. 854, sec. 670), to license for cemetery purposes any parcel of land in the District of Columbia which does not exceed 1 acre in size, and which except for a one-side frontage of less than 100 feet on a public street or highway, is otherwise completely bounded by land dedicated to cemetery purposes.

Under existing law in the District, land may not be dedicated for cemetery purposes which lies either within the boundaries of the old city of Washington or within 1½ miles thereof, and if situated beyond this point such dedication may occur only with the consent of all landowners and tenants residing within 200 yards of the particular plot and upon the express approval of the District Commissioners.

While the language of the bill is general and can apply to any parcel of land, it is at this time intended to take care of a particular situation which has existed for several years. The plot of land immediately concerned was acquired almost 30 years ago by the Washington Hebrew Congregation. It has a frontage of 90 feet on Alabama Avenue SE., approximately 400 feet east of Congress Place. Apart from this public highway frontage, it is completely surrounded by cemetery lands owned by the Washington Hebrew and Adas Israel Congregations. Within the 200-yard radius covered by the consent provisions of present law, there reside several hundred families.

This legislation has the approval of the Commissioners of the District of Columbia.

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Calendar No. 2272

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2251

PROVIDING FOR THE DELAYED REPORTING OF BIRTHS WITHIN THE DISTRICT OF COLUMBIA

JUNE 18, 1956.—Ordered to be printed

Mr. BIBLE (for Mr. MORSE), from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany H. R. 9582]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 9582) to provide for the delayed reporting of births within the District of Columbia, after full consideration, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this bill is to authorize and empower the Commissioners of the District of Columbia to adopt rules and regulations governing the filing of reports of births and the issuance of delayed birth registration certificates in such cases where certificates of birth have not been recorded pursuant to the act of March 1, 1907 (34 Stat. 1010; title 6, ch. 3, D. C. Code, 1951 edition). Under that act, a birth must be registered by some person in attendance—a physician or midwife, or in their absence, any person who is actually in attendance of the birth. However, there have been many cases where such reports have not been filed.

Existing law makes no provision for a person whose birth has not been reported to establish his parentage and the date and place of his birth by means of baptismal, school, census, physician's, family, insurance, marriage, military, employment, voting, or other records, or by affidavits of persons having known such person since his birth. As a result, persons born in the District of Columbia prior to the act of March 1, 1907, may not have had their births reported, and, because of the death or other unavailability of the person in attendance, are unable, under present law, to report the birth and to have such report form the basis for the issuance of a birth certificate by the District of Columbia.

There is an increasing need for persons to furnish information as to the date and place of their birth and their parentage, and this measure would authorize the Commissioners to promulgate regulations govern-

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ing the filing of delayed reports of birth and the issuance of delayed birth registration certificates. Forty-eight States of the United States make some provision for delayed certificates of birth in addition to the Territories of Hawaii, Alaska, and Puerto Rico.

This legislation has the approval of the Commissioners of the District of Columbia.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

(34 Stat. 1010)

That (*a*) any physician or midwife who attends at the birth of any child within the District of Columbia, and any person whosoever who, in the absence of a physician or midwife, performs any of the offices usually rendered by such shall execute or cause to be executed and shall file with the health officer of said District not later than the Saturday first ensuing after the expiration of three secular days immediately following the date of such birth a proper report thereof, written in ink, on a blank furnished by said health officer, embodying all such data as may be necessary for the purposes of the Bureau of the Census of the Department of Commerce and such other data, if any, as the Commissioners of said District deem needful. So far as relates to any data aforesaid not based upon the personal observation of the physician, midwife, or other person by whom report is made, every such report shall show the name and address of the informant and the relationship of said informant to the child born: *Provided, however,* That if the child born be illegitimate it shall in no case be necessary for any physician, midwife, or other person to indicate on any report required by this Act any fact or facts whereby the identity of the father or of the mother or of the child born will be disclosed: *And provided further,* That no report need be made of stillbirths when the fetus delivered has apparently not passed the fifth month of utero-gestation.

Upon receipt of any report aforesaid, said health officer shall forward to the father of the child, or, if his address be unknown, to the mother, an acknowledgment of the receipt of such report, and if the infant delivered be not stillborn, and such report does not contain the given name of the child born, a blank form on which the father or mother may certify over his or her signature the name of such child, which form, if thus executed and returned to said health officer within three months next following the date of birth, shall be a part of the official record of such birth.

(*b*) *The Commissioners of the District of Columbia are hereby authorized and empowered to adopt rules and regulations governing the filing of reports of births and the issuance of delayed birth registration certificates in those cases where certificates of birth have not been recorded pursuant to subsection (a) of this section.*

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Calendar No. 2274

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2253

PRESCRIBING THE WEIGHT TO BE GIVEN TO EVIDENCE OF TESTS OF ALCOHOL IN THE BLOOD, URINE, OR BREATH OF PERSONS TRIED IN THE DISTRICT OF COLUMBIA FOR CERTAIN OFFENSES COMMITTED WHILE OPERATING VEHICLES

JUNE 18, 1956.—Ordered to be printed

Mr. BIBLE (for Mr. MORSE), from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany S. 313]

The Committee on the District of Columbia, to whom was referred the bill (S. 313) to prescribe the weight to be given to evidence of tests of alcohol in the blood, urine, or breath of persons tried in the District of Columbia for certain offenses committed while operating vehicles, after full consideration, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That if, as a result of the operation of a vehicle any person is tried in any court of competent jurisdiction within the District of Columbia for operating such vehicle while under the influence of any intoxicating liquor in violation of section 10 (b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925, as amended (D. C. Code, title 40, sec. 609), and in the course of such trial there is received in evidence competent proof to the effect that at the time of such operation—

(a) defendant's blood contained five one-hundredths of 1 per centum or less, by weight, of alcohol, or that defendant's urine contained eight one-hundredths of 1 per centum or less, by weight, of alcohol, such proof shall be deemed prima facie proof that defendant at such time was not under the influence of any intoxicating liquor;

(b) defendant's blood contained more than five one-hundredths of 1 per centum, but less than fifteen one-hundredths of 1 per centum, by weight, of alcohol, or defendant's urine contained more than eight one-hundredths of 1 percentum, but less than twenty one-hundredths of 1 per centum, by weight, of alcohol, such proof shall constitute relevant evidence, but shall not constitute prima facie proof that defendant was or was not at such time under the influence of any intoxicating liquor; and

(c) defendant's blook contained fifteen one-hundredths of 1 per centum or more, by weight, of alcohol, or defendant's urine contained twenty one-hundredths of 1 per centum or more, by weight, of alcohol, such proof shall

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constitute prima facie proof that defendant at such time was under the influence of intoxicating liquor.

SEC. 2. (a) Chemical tests. Any person who operates a motor vehicle in the District of Columbia shall be deemed to have given his consent to a chemical test of his blood or urine for the purpose of determining the alcoholic content of his blood or urine provided that such test is administered at the direction of a police officer having reasonable grounds to believe such person to have been driving in an intoxicated condition and in accordance with the rules and regulations established by the Commissioners of the District of Columbia or their designated agent. If such person having been placed under arrest and having thereafter been requested to submit to such chemical test refuses to submit to such chemical test the test shall not be given but the Commissioners or their designated agent shall revoke his license or permit to drive and any nonresident operating privilege; Provided, however, the Commissioners or their designated agent shall grant such person an opportunity to be heard but a license, permit or nonresident operating privilege may, upon the basis of a sworn report of the police officer that he had reasonable grounds to believe such arrested person to have been driving in an intoxicated condition and that said person had refused to submit to such test, be temporarily suspended without notice pending the determination upon any such hearing, which shall be held within 10 days from date of suspension unless an extension of time be requested by such person. If as a result of such hearing it be determined such person did not refuse to submit to such a test, his license or permit and any nonresident operating privilege shall forthwith be restored. The provisions of section 13 of the District of Columbia Traffic Act, 1925, as amended (sec. 40-302, D. C. Code), shall be applicable to revocations under this section.

(b) Upon the request of the person who was tested, the results of such test shall be made available to him.

(c) Only a physician acting at the request of a police officer can withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of a urine specimen.

(d) The person tested shall be permitted to have a physician of his own choosing administer a chemical test in addition to the one administered at the direction of the police officer.

Amend the title to read as follows:

A bill to prescribe the weight to be given to evidence of tests of alcohol in the blood or urine of persons tried in the District of Columbia for operating vehicles while under the influence of intoxicating liquor.

The purpose of this bill is to prescribe the weight to be given to evidence of tests of alcohol in the blood or urine of persons tried in any court of competent jurisdiction within the District of Columbia for operating vehicles while under the influence of intoxicating liquor.

The bill creates two presumptions with respect to tests for alcohol in the blood or urine:

(1) If the defendant's blood contains five-hundredths of 1 percent or less, by weight, of alcohol, or if his urine contains eight-hundredths of 1 percent or less, by weight, of alcohol, he shall be presumed not to be under the influence of intoxicating liquor.

(2) If the defendant's blood contains fifteen-hundredths of 1 percent or more, by weight, of alcohol, or if his urine contains twenty-hundredths of 1 percent or more, by weight, of alcohol, he shall be presumed to be under the influence of intoxicating liquor.

In the interim or middle range as set forth in subparagraph (b) of section 1 of the bill, there is no presumption created either way, but the results of the test may be used as relevant evidence.

The enactment of this legislation would permit the District of Columbia to offer in evidence the results of such chemical tests without the necessity of securing the services of an expert witness for the purpose of interpreting the results of such tests, and would greatly facilitate the handling of such cases.

The following 22 States have adopted chemical test laws: Arizona, Delaware, Georgia, Idaho, Indiana, Kansas, Kentucky, Maine, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Virginia, Utah, Washington, Wisconsin.

Section 2 of the bill is similar to the "implied consent" law of the State of New York. In addition to New York, Kansas, Idaho, and Puerto Rico have adopted "implied consent" laws. It provides that any person who operates a motor vehicle in the District of Columbia shall be deemed to have given his consent to a chemical test of his blood or urine to determine the alcoholic content of his blood or urine, provided that such test is administered at the direction of a police officer having reasonable grounds to believe such person to have been driving in an intoxicated condition, and in accordance with rules and regulations established by the Commissioners. After such person is placed under arrest and having been requested to submit to such chemical test, and refuses, the test would not be given, but the Commissioners would revoke his license or permit. The Commissioners would then grant such person an opportunity to be heard, but the license or permit of such person may, upon the basis of a sworn report of the police officer, that he had reasonable grounds to believe such arrested person to have been driving in an intoxicated condition and that said person had refused to submit to such test, be temporarily suspended without notice pending the determination upon any such hearing, which shall be held within 10 days from date of suspension unless an extension of time be requested by such person. If as a result of such hearing it be determined such person did not refuse to submit to the test, then the license or permit would be forthwith restored. The hearing before the Commissioners would only determine the question of the person's refusal to submit to the chemical test.

Provision is also made for the results to be made available to the person taking the test, that only a physician can withdraw blood, and that the person tested may have his own physician make a chemical test in addition to the one administered at the direction of the police officer.

The New York law was upheld in the case of *Anderson* v. *Macduff* (143 N. Y. S. (2d) 257), in 1955, by the Supreme Court of Montgomery County.

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Calendar No. 2275

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2254

EFFECTING THE CONTROL OF NARCOTICS, BARBITURATES, AND DANGEROUS DRUGS IN THE DISTRICT OF COLUMBIA

———.—Ordered to be printed

Mr. BELLE (for Mr. MORSE), from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany H. R. 11320]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 11320) to effect the control of narcotics, barbiturates, and dangerous drugs in the District of Columbia, and for other purposes, after full consideration, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Page 1, line 3, strike the word "Narcotic" and insert in lieu thereof "Dangerous Drug".

Page 9, line 22, strike the word "hypnotic" and insert in lieu thereof "hypnotic".

Page 17, line 3, after the word "other" insert the words "drug or".

Page 17, line 10, insert "(l)" between "and (D)".

Page 17, lines 21 and 22, strike "(including barbiturates or amphetamines)".

Page 19, line 23, after the word "to" insert the words "Federal and".

Page 19, line 24, after the word "Columbia," insert "and the laws of the United States applicable within the District of Columbia,".

Page 19, lines 24 and 25, strike "or of the United States".

Page 25, line 17, strike the word "provision" and insert in lieu thereof "provisions".

Page 34, lines 14 and 15, strike the word "provitions" and insert "provisions".

Page 35, line 16, strike the word "Act" and insert in lieu thereof "section".

Page 36, line 3, after the word "unless" insert "(l) if committed prior to July 1, 1958;", and renumber the figure (1) to (2), and on line 6, renumber the figure (2) to (3).

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Amend the title so as to read:

A bill to effect the control of narcotics and dangerous drugs in the District of Columbia, and for other purposes.

PURPOSES

The purpose of this bill is to improve existing programs for the treatment and rehabilitation of narcotic drug addicts, to provide controls over the distribution and use of barbiturates, amphetamines and other dangerous drugs, and to strengthen present law enforcement procedures to combat the illicit drug traffic in the District of Columbia.

The bill has three titles. The first title is a revision of the act of June 25, 1953, which provides for the treatment of users of narcotics in the District of Columbia. It corrects the manifold weaknesses in the present addict law and insures swift and certain commitment of drug addicts who show promise of benefiting from hospital treatment and rehabilitation in the community. Juveniles are specifically included among those subject to the provisions of the bill. The measures provides for both voluntary and involuntary commitment. Physical custody of the individual is maintained from the time that he is apprehended until he is committed or released as a nonaddict. He may demand a jury trial to determine the issue of his addiction and he has the right of counsel at all stages of the judicial proceedings.

Title II of the proposed legislation would regulate and control the sale and use of amphetamines, barbiturates, and other dangerous drugs in the District of Columbia. It would make the possession of amphetamines, barbiturates, or other dangerous drugs without a prescription; false representation of concealment of a material fact in obtaining a prescription; or delivery of a dangerous drug to any person not entitled to receive it punishable by fine and/or imprisonment. Pharmacists, manufactuerers, wholesalers, warehousemen, manufacturers representatives, and drug salesmen would be required to establish and maintain a biennial inventory of such dangerous drugs. Prescriptions, invoices, records, and inventories would be subject to inspection at all times by both Federal and District officials. Search warrants, obtained on probable cause, could be served at any time of the day or night. Arrests without a warrant could be made as in the case of a felony upon probably cause that the person to be arrested is violating a provision of the act at the time of his arrest. All dangerous drugs are to be disposed of in the same manner as narcotic drugs.

Title III of the proposed legislation amends the Uniform Narcotic Drug Act to permit arrest without a warrant as in the case of a felony on probable cause that the person to be arrested is violating a provision of the act at the time of his arrest. It would also authorize the issuance of search warrants on probable cause to be served at any time of the day or night. Provision is also made for the inclusion of synthetic narcotic drugs, and physicians, dentists, and veterinarians would be authorized to dispense certain narcotic compounds upon oral prescription subject to the same restrictions provided in section 4705 of the Internal Revenue Code of 1954. The procedures are revised and specific instructions are set forth for the disposal of all seized and forfeited narcotic drugs. This title also provides that

vagrant narcotic drug addicts may be arrested, prosecuted, and committed for treatment or punished by fine and/or imprisonment.

The Public Health Service Act is also amended to require the Surgeon General to furnish to the Commissioners of the District of Columbia, or their designated agent, the name, address, and other pertinent information of any resident drug addict of the District of Columbia who has volunteered for treatment for addiction. Public Law 355, 83d Congress, is amended to authorize an increase from 50 to 100 in the number of addict-patients who may be admitted at any time from the District of Columbia to Public Health Service hospitals for treatment, and it extends for 2 years the authority of the District of Columbia to send narcotic drug addicts to Lexington, Ky., or to other Public Health Service hospitals for treatment.

In an exhaustive report entitled "Illicit Narcotics Problem in the District of Columbia," Report No. 2033, 84th Congress, which contains findings and recommendations of the Subcommittee on Improvements in the Federal Criminal Code of the Committee on the Judiciary, the need for this type of legislation is set forth in great detail, and said report is incorporated by reference and made a part of this report.

Detailed provisions of the bill are set forth in the following section-by-section analysis:

Analysis of the Bill

TITLE I. TREATMENT OF NARCOTICS USERS

Short title

Section 1: The act shall be cited as "Hospital Treatment for Drug Addicts Act for the District of Columbia."

Purposes

Section 2: This section states the purpose of the act which is to protect the people of the District of Columbia from the menace of drug addiction and to provide the means toward rehabilitation of the drug user. It is not intended that the provisions of this act shall be substituted for punishment for those drug users who are convicted of criminal offenses.

Definitions

Section 3: Extends the definition of drug user to include for the first time those persons under eighteen years of age, thus providing an opportunity to directly treat the juvenile drug addict.

Order of examination

Section 4: (a) Vests in the Commissioners the authority when they have probable cause to believe that any person within the District of Columbia is a drug user to cause any law enforcement officer to bring such person before them for a preliminary medical examination to determine whether there is sufficient evidence of addiction.

(b) Provides that the features of this act shall not apply to those persons charged with a criminal offense, whether serving a sentence, on probation, or released on bond pending appeal.

Examination by physician

Section 5: (a) Provides that the Commissioners shall appoint two qualified physicians, one a psychiatrist, to conduct the medical examination of any patient processed under the act. Within 5 days after the completion of the medical examination, each physician shall

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file a written report of his conclusions with the United States attorney.

(b) This section provides that upon review of the facts of each case, the United States attorney shall determine whether a petition shall be filed in the United States district court seeking a judicial determination of the patient's status as a drug user. Upon the filing of a petition, the court shall set the hearing date and advise the patient of his right to counsel and right to demand a jury trial within 5 days.

When hearing is required

Section 6: This section provides that where either of the examining physicians states in his report that the patient is a drug user or that he is unable to reach a conclusion because of the refusal of the patient to submit to a physical examination, the court shall conduct the hearing upon the petition filed by the United States attorney.

Right to counsel

Section 7: (a) Under this section the patient shall have the right to counsel at every stage of the judicial proceeding and counsel shall be assigned by the court if the patient is unable to secure counsel.

(b) The medical report of any patient shall be open for inspection to patient's counsel and the information contained therein shall be inadmissible in any other judicial proceeding.

(c) The patient at any time during the proceedings under this act may waive his rights under the act and voluntarily submit himself for treatment.

Hearing

Section 8: (a) This section provides that the court, or jury if demanded by the patient, shall determine upon the evidence submitted whether the patient is a drug user, and pending completion of the hearing, after the filing of the petition, each patient shall be detained in a suitable place designated by the Commissioners.

(b) The rules of procedure governing civil judicial proceedings shall apply, however, no patient examined pursuant to the act shall object to the admissibility in evidence of any such examinations on the grounds of privilege.

Confinement of patient

Section 9: This section provides that upon an affirmative judicial determination of drug usage, the patient shall be committed to an approved hospital designated by the Commissioners, or by the patient, to be confined for treatment and rehabilitation. If the patient designates a hospital approved by the court, he shall bear the expense of hospitalization. The head of the hospital shall be required to submit periodic progress reports of each patient committed pursuant to the provisions of this act.

Release of patient

Section 10: (a) This section provides that after a determination that a patient is no longer in need of confinement for treatment purposes, he shall be delivered to the committing court for further action deemed necessary and proper toward his rehabilitation.

(b) If a patient has not been released from confinement within 1 year, he may petition the court to inquire into his status. If the court determines that such patient has received the maximum benefits, it shall order his immediate release and take such further action deemed necessary and proper pursuant to the provisions of the act.

Periodic examination of released patients

Section 11: (a) This section provides that upon release from the hospital, each patient shall report to the Commissioners as required, for a physical examination to determine whether the patient has again become a drug user.

(b) If a patient fails to report as required in subsection (a) above, such fact shall be made known to the United States attorney who shall petition the court for an attachment for the patient in order to confine him forthwith for a physical examination and for any further action deemed necessary by the court.

Patient not deemed a criminal

Section 12: This section states that the proceedings under this act are civil in nature and the patient shall not be deemed a criminal, nor shall his confinement be deemed a conviction.

TITLE II. REGULATION AND CONTROL OF CERTAIN DRUGS OTHER THAN BARBITURATES

Definitions

Section 202: This section defines the term "dangerous drug" to include barbiturates, their salts and derivatives, amphetamines, desoxyephedrine, or compounds and mixtures thereof, and all salts and derivatives of phenelethylamine which have a stimulating effect upon the central nervous system. In addition, there shall be included all compounds and mixtures declared by the Commissioners by rule or regulation after public hearing to have habit-forming, excessively stimulating, dangerously toxic properties or to produce a hypnotic or somnifacient effect. The term "dangerous drug" shall not include any drug regulated or controlled by Federal narcotic laws or by the narcotic drug laws of the District of Columbia.

The term "prescription" includes both written and oral prescriptions, said oral prescription to be promptly reduced to writing by the pharmacist. Before filling any oral prescription, the pharmacist shall request of the prescribing physician his District of Columbia or State registration number and office address.

The terms "patient," "practitioner," "pharmacist," "laboratory," "manufacturer," "wholesaler," "drug salesman," and "warehouseman" are likewise defined.

Prohibited acts

Section 203: This section defines all the prohibited acts and includes the following:

(1) The delivery of a dangerous drug by a pharmacist not on prescription.

(2) Failure of a pharmacist to properly record the delivery of a dangerous drug to a practitioner for his professional use.

(3) Failure of the manufacturer's representative to properly record the delivery of a dangerous drug to a practitioner.

(4) Failure of the practitioner to properly label any dangerous drug delivered in the course of his professional practice.

(5) Improper refilling of any prescriptions.

(6) Failure of the pharmacist to properly record all prescriptions filled.

(7) The possession of dangerous drug which has not been obtained upon prescription.

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(8) The forging or making of a false prescription or written order for the purpose of obtaining a dangerous drug.

(9) The delivery of a dangerous drug to any person not entitled to receive such drug.

(10) The willful making or concealment of any material fact in any prescription, order, report or record required to be kept by the act.

(11) Failure to accord full opportunity to check any record or file as required by the act.

(12) Failure to keep records as required.

(13) Unlawful disclosing or using of any information, except concerning any method or process entitled to protection except as provided in the act.

In addition, no person shall be relieved of any requirement with respect to dangerous drugs imposed by the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040).

Exemptions

Section 204: This section provides that the Commissioners by rule or regulation after public hearing may exempt certain compounds and mixtures of barbiturates, amphetamines, chsoxyphedrine, and phenelethylamine from the provisions of the act, if such compounds or mixtures do not contain any habit-forming properties, are not dangerously toxic, or produce a hypnotic or somnifacient effect or an excessively stimulating effect upon the body of a human or animal.

Exemption of persons

Section 205: The section exempts from the prescription requirements of the act, those persons or institutions, such as pharmacists, practitioners, hospitals, laboratories, wholesalers, manufacturers, and law-enforcement personnel, who handle dangerous drugs in the course of their business or practice, and who do not occupy a patient status.

Records

Section 206: This section requires all persons except carriers and practitioners to keep and maintain a biennial inventory of all dangerous drugs and to retain for not less than 2 years all commercial records, including invoices, relating to dangerous drugs received by them in the course of their professional practice or business. In addition, pharmacists shall retain each prescription or notation of sale of a dangerous drug to a practitioner for a period of 2 years.

Inspection

Section 207: This section provides that any person authorized by the Commissioners shall have the right to inspect the files and records of a person required to keep records pursuant to the act.

In addition, Federal and District of Columbia law enforcement officers charged with the duty of enforcing the provisions of this act or any law of the United States applicable within the District of Columbia shall have the right to inspect the records required to be kept pursuant to the act. No officer having knowledge of any prescription or record by virtue of his office shall reveal such information except in a prosecution or proceeding before a court, or licensing board or officer.

Regulations

Section 208: This section authorizes the Commissioners to implement the provisions of the act by rule or regulation.

Penalties

Section 209: (a) This section prescribes the penalties for a violation of any of the provisions of the act. Penalties are:

First offense, fine of not less than $100 nor more than $1,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

Second or subsequent offense, fine of not less than $500 or more than $5,000, or by imprisonment for not more than 10 years, or by both such fine and imprisonment.

(b) This section provides that a conviction for a violation of any of the provisions of this act shall be grounds for the suspension or for the denial or the renewal of the professional license of any such person so convicted.

(c) This section sets out the professional groups to whom the provision of section 209 (*a*) above shall apply. The groups enumerated are the doctors, dentists, veterinarians, pharmacists, registered nurses, and podiatrists.

Search warrants

Section 210: (a) This section states that a warrant issued upon probable cause of a violation of any of the provisions of this act may be served at any time of the day or night and must be executed and returned to the issuing authority within 10 days after its date.

(b) This section sets out the grounds for the issuance of a search warrant for a violation of the act. In addition, it provides that any property designed or used in committing any offense under this act may be seized, and shall be subject to such disposition as the court shall direct.

Arrests without warrant

Section 211: (a) This section authorizes an arrest without a warrant upon probable cause, as in the case of a felony, that the person to be arrested is violating any of the provisions of the act at the time of his arrest.

(b) This section provides that any evidence discovered in the course of any arrest, search, or seizure as authorized in subsection (a) above shall not be admissible in any criminal proceeding against the person arrested unless he was violating the act at the time of such arrest.

Forfeiture

Section 212: This section provides that all dangerous drugs seized pursuant to the provisions of the act shall be disposed of in accordance with the provisions of the Uniform Narcotic Drug Act for the District of Columbia relating to the disposition of seized narcotic drugs.

Separability clause

Section 213: This section contains the usual separability clause included in any piece of comprehensive legislation.

Section 214: This section makes the effective date of this act 90 days after the date of its enactment.

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TITLE III. MISCELLANEOUS

Amendments to Uniform Narcotic Drug Act

Section 301: (a) This section amends the definition of "narcotic drugs" to include the synthetic narcotic drugs, and brings the definition in line with the term as used in the Federal narcotic laws.

(b) The section amends section 2 of the act by providing that arrests without a warrant and searches and seizures pursuant thereto may be made upon probable cause as in the case of a felony of the person to be arrested is violating a provision of the act at the time of his arrest. It is further provided that any evidence discovered in the course of any arrest, search, or seizure pursuant to provisions of subsection (b) shall be inadmissible unless the person at the time of his arrest was violating a provision of the act.

(c) Amends section 5 of the act by the addition of clarifying language establishing the cost of certain official order forms to be used when purchasing and dispensing narcotic drugs, and by indicating that compliance with the Federal narcotic laws in respect to official order forms shall be deemed compliance with the requirements of the act, or if there is no such official order form required by Federal law, then there shall be compliance with the rules and regulations promulgated by the Commissioners.

(d) This section amends section 8 of the act by permitting a pharmacist to dispense upon oral prescriptions the same narcotic drug compounds which are exempt from the requirements of a written prescription by section 4705 (c) (2) of the Internal Revenue Code of 1954. Pharmacists dispensing upon oral prescription shall keep a written record of such oral prescriptions on file for a period of 2 years.

(e) Amends section 9 (a) of the act to permit doctors and dentists to prescribe upon oral prescription certain narcotic drug compounds, and also requires the doctor or dentist in issuing any oral prescription to supply the pharmacists with the same information required by law or regulation as in the case of written prescriptions.

(f) Amends section 9 (b) of the act to permit a veterinarian to prescribe certain narcotic drug compounds upon oral prescription, and requires the veterinarian in issuing an oral prescription to supply the pharmacists with the same information required by Federal law or regulations as in the case of a written prescription.

(g) Amends further section 9 of the act by providing that nothing contained in this section shall authorize the dispensing upon oral prescription any narcotic drugs or compounds other than those narcotic drugs or compounds exempt under section 4705 (c) (2) of the Internal Revenue Code of 1954.

(h) Amends section 10 of the act by adding to the exempt list any narcotic compound containing not more than one-sixth gram of dihydrocodeinone or any of its salts. Also exempt from the written prescription any medicinal preparation containing not in excess of 25 percent of paregoric in combination with some other drug or drugs which confer upon it other mechanical properties than those possessed by paregoric.

(i) Amends subsection (e) of section 11 of the act to conform the language with other amendments to the act changing the requirements concerning the issuance of official order forms.

(j) Amends section 12 of the act by adding clarifying phrases to adjust the language of the section to include oral prescriptions.

(k) Amends section 14 (h) of the act to permit a search warrant issued upon probable cause to be served at any time of the day or night.

(l) Amends the act by adding a new section defining the offense of being a narcotic drug vagrant and providing penalties upon conviction thereof. Under this section a vagrant is defined as an illicit user of narcotic drugs or any person who is a convicted narcotic law violator and, who has no lawful means of support and wanders about or loiters in public and fails to give a good account of himself; or who is found in any place where illicit narcotic drugs are found or kept; or wanders about in public at late or unusual hours of the night in company with other illicit users of narcotics or convicted narcotic violators and fails to give a good account of himself; or is included in the classes of persons defined in the present District of Columbia vagrancy statute. Any such person convicted of being a narcotic drug vagrant may be punished by a fine of not more than $500 or imprisoned for not more than 1 year, or by both such fine or imprisonment. The court in sentencing any person under the provisions of this section may designate that such person shall undergo physical or mental examination and shall have the benefit of medical treatment if deemed for the best interest of the defendant and the community.

(m) Section 17 of the act is amended to give specific direction to law enforcement officials for the prompt disposal of all seized narcotic drugs whether or not such drugs are to be used in connection with any criminal or administrative proceeding pursuant to the provisions of this act or of any Federal narcotic law. Such narcotic drugs shall be turned over to the Secretary of the Treasury for disposition in accordance with the provisions of section 4733 of the Internal Revenue Code of 1954.

(n) Section 23 of the act, which contains the general penalty provisions, is amended by the addition of clarifying language to insure that there will be no conflict between this section and any other section of the act which contains a special penalty provision.

Amendments to Public Health Service Act

Section 302: (a) Amends section 341 of the act by requiring the Surgeon General of the United States to furnish to the Commissioners of the District of Columbia all pertinent information concerning any person from the District of Columbia who has voluntarily submitted himself for treatment for narcotic drug addiction at any of the Service hospitals.

(b) Amends section 344 (d) of the act by the addition of clarifying language in connection with the disclosure of any confidential information as permitted in subsection (a) above.

(c) Amends section 345 of the act by extending the period for which narcotic addict patients may be accepted from the District of Columbia until July 1, 1958, and in addition, increases the District of Columbia's quota of patients addicts which may be treated in the Public Health Service hospitals at any one time from 50 to 100 patients.

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Amendment to Public Law 355, 83d Congress

Section 303: Amends section 1 of Public Law 355 by eliminating certain phrases and thus clarifying this section which states the purpose of the act, namely, that the District of Columbia shall be entitled to limited use of the facilities of the Public Health Service for the treatment and rehabilitation of noncriminal narcotic addicts at the expense of the District of Columbia.

Section 304: This section provides that the provisions of the proposed section 16A of the Uniform Narcotic Drug Act for the District of Columbia shall take effect 30 days from the date of enactment.

Changes in Existing Law

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

Public Law 76—83d Congress

Chapter 149—1st Session

[H. R. 3307]

AN ACT To provide for the treatment of users of narcotics in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That the purpose of this Act is to protect the health and safety of the people of the District of Columbia from the menace of drug addiction and to afford an opportunity to the drug user for rehabilitation. The Congress intends that Federal criminal laws shall be enforced against drug users as well as other persons, and this Act shall not be used to substitute treatment for punishment in cases of crime committed by drug users.

[DEFINITIONS

[SEC. 2. For the purposes of this Act—

[(1) The term "drug user" means any person who habitually uses any habit-forming narcotic drugs so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such habit-forming narcotic drugs as to have lost the power of self-control with reference to his addiction.

[(2) The term "patient" means a person with respect to whom there has been filed with the clerk of the United States District Court for the District of Columbia a statement as provided for in section 3.

[FILING A STATEMENT

[SEC. 3. (a) Whenever it appears to the United States attorney for the District of Columbia that any person within the District of Columbia, other than a person referred to in subsection (b), is a drug user, he may file with the clerk of the United States District Court for the District of Columbia a statement in writing setting forth the facts tending to show that such a person is a drug user.

[(b) The United States attorney shall not file a statement under this section with respect to any person who is charged with a criminal offense, whether by indictment, by information, or who is under sentence for a criminal offense, whether he is serving the sentence, or is on probation or parole, or has been released on bond pending appeal.

[COURT ORDER FOR EXAMINATION

[SEC. 4. Upon the filing of such a statement, the court shall order the patient to appear before it for an examination by physicians pursuant to section 6 (a) of this Act and for a hearing if required under section 7 of this Act. The copy of the statement and order of the court shall be served personally upon the patient by the United States Marshal.

[RIGHT TO COUNSEL

[SEC. 5. A patient shall have the right to the assistance of counsel at every stage of the judicial proceeding under this Act. Before the court appoints physicians pursuant to section 6 of this Act it shall advise the patient of his right to counsel and shall assign counsel to represent him if the patient is unable to obtain counsel.

[EXAMINATIONS BY PHYSICIANS

[SEC. 6. (a) When such a statement has been filed the court shall appoint two qualified physicians, one of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination the court may order the patient committed for such reasonable period as the court may determine to a suitable hospital or other facility to be designated by the court. Each physician shall, within such periods as the court may direct, file a written report of the examination, which shall include a statement of his conclusion as to whether the patient is a drug user.

[(b) The counsel for the patient may inspect the reports of the examination. No such report and no evidence resulting from the personal examination of the patient or evidence offered by the patient shall be admissible against him in any judicial proceeding except a proceeding under this Act.

[WHEN HEARING IS REQUIRED

[SEC. 7. If, in a report filed pursuant to section 6 of this Act, either of the examining physicians states that the patient is a drug user, or that he is unable to reach any conclusion by reason of the refusal of the patient to submit to thorough examination, the court shall conduct a hearing in the manner provided in section 8 of this Act. If, on the basis of the reports filed, the court is not required to conduct such a hearing, it shall enter an order dismissing the proceeding under this Act. If a hearing is deemed necessary, then such notice of hearing shall be served personally upon the patient to afford the said patient the opportunity to prepare for the hearing.

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[HEARING

[SEC. 8. Upon the evidence introduced at a hearing held for that purpose the court shall determine whether the patient is a drug user. The hearing shall be conducted without a jury unless, before the hearing and within fifteen days after the date on which the second report is filed pursuant to section 6 of this Act, a jury is demanded by the patient or by the United States Attorney. The patient may, after appointment or employment of counsel, waive a hearing and be committed directly to a hospital designated by the Commissioners of the District of Columbia, or their designated agent. The rules of evidence applicable in judicial proceedings in the court are applicable to hearings pursuant to this section, including the right of the patient to present evidence in his own behalf and to subpena and cross-examine witnesses.

[CONFINEMENT OF PATIENT

[SEC. 9. If the court finds the patient to be a drug user, it may commit him to a hospital designated by the patient or the Commissioners of the District of Columbia, or their designated agent, and approved by the court, to be confined there for rehabilitation until released in accordance with section 10 of this Act. The head of the hospital shall submit written reports, within such periods as the court may direct, but no longer than six months after the commitment and for successive intervals of time thereafter, and state reasons why the patient has not been released.

[RELEASE OF PATIENT

[SEC. 10. (a) When the head of the hospital to which the patient is committed finds that the patient appears to be no longer in need of rehabilitation, or has received maximum benefits, they shall give notice to the judge of the committing court, and the said patient shall be delivered to the said court, for such further action as the court may deem necessary and proper under the provisions of this Act.

[(b) The court, upon petition of the patient after confinement for one year, shall inquire into the refusal or failure of the head of the hospital to release him. If the court finds that the patient is no longer in need of care, treatment, guidance, or rehabilitation, or has received maximum benefits, it shall order the patient released, in accordance with the provisions of section 11 of this Act.

[PERIODIC EXAMINATION OF RELEASED PATIENTS

[SEC. 11. For the two years after his release, the patient shall report to the Commissioners of the District of Columbia, or their designated agent, at such times and places as those officers, or officer, require, but not more frequently than once each month, for a physical examination to determine whether the patient has again become a drug user. If the Commissioners of the District of Columbia, or their designated agent, determine that the person examined is a drug user, they shall so notify the United States attorney for the District of Columbia who may then file a statement under section 3 of this Act with respect to the person examined.

[PATIENT NOT DEEMED A CRIMINAL

[SEC. 12. The patient in any proceeding under this Act shall not be deemed a criminal and the commitment of any such patient shall not be deemed a conviction.

[SEC. 13. This Act shall become effective six months after the date of its approval.]

SHORT TITLE

SECTION 1. This Act may be cited as the "Hospital Treatment for Drug Addicts Act for the District of Columbia".

PURPOSE

SEC. 2. The purpose of this Act is to protect the health and safety of the people of the District of Columbia from the menace of drug addiction and to afford an opportunity to the drug user for rehabilitation. The Congress intends that Federal criminal laws shall be enforced against drug users as well as other persons, and this Act shall not be used to substitute treatment for punishment in cases of crime committed by drug users.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(a) The term "drug user" means any person, including a person under eighteen years of age, notwithstanding the provisions of the Juvenile Court Act of the District of Columbia, as amended, who uses any habit-forming narcotic drugs so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such habit-forming narcotic drugs as to have lost the power of self-control with reference to his addiction.

(b) The term "narcotic drugs" shall have the same meaning as that given to such term by section 4731 of the Internal Revenue Code of 1954.

(c) The term "patient" means any person ordered to appear before the Commissioners, pursuant to the provisions of section 4 of this Act.

(d) The term "Commissioners" means the Commissioners of the District of Columbia, sitting as a Board, or their designated agent or agents.

ORDER OF EXAMINATION

SEC. 4. (a) Whenever the Commissioners have probable cause to believe that any person within the District of Columbia, other than a person referred to in subsection (b) hereof, is a drug user, they forthwith shall order any law enforcement officer of the District of Columbia to bring that person before them, to conduct a preliminary examination, and if they find sufficient evidence of addiction, as hereinbefore defined, they shall cause that person to be placed in an institution to be designated by them for an examination by physicians pursuant to section 5 of this Act.

(b) The Commissioners shall not order any person brought before them if the said person is charged with a criminal offense, whether by indictment, information, or otherwise, or if the said person is under sentence for a criminal offense, whether he is serving the sentence, or is on probation or parole, or has been released on bond pending appeal.

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EXAMINATION BY PHYSICIAN

SEC. 5. (a) Whenever the Commissioners order a patient into an institution pursuant to the provisions of section 4 hereof, they shall immediately appoint two qualified physicians, one of whom shall be a psychiatrist, to examine the said patient, and within five days after such appointment, each physician shall file with the United States Attorney for the District of Columbia, a written report of such examination, which shall include a statement of his conclusion as to whether the patient is a drug user.

(b) The United States Attorney for the District of Columbia shall review the facts and circumstances of each case submitted to him and present by petition those in which he feels justification exists in the public interest to the United States District Court for the District of Columbia for determination and disposition, or dismiss the patient from custody. A copy of such petition shall be served on the patient in open court, at which time the court shall set a hearing date and advise the patient of his right to counsel and his right to demand within five days a trial by jury.

WHEN HEARING IS REQUIRED

SEC. 6. If, in a report filed pursuant to section 5 of this Act, either of the examining physicians states that the patient is a drug user, or that he is unable to reach any conclusion by resaon of the refusal of the patient to submit to thorough examination, the court shall conduct a hearing upon petition of the United States Attorney in the manner provided in section 8 of this Act.

RIGHT TO COUNCIL

SEC. 7. (a) A patient shall have the right to the assistance of counsel at every stage of the judicial proceeding under this Act, and the court shall assign counsel to represent him if the patient is unable to obtain counsel.

(b) The counsel for a patient may inspect the reports of the examination made pursuant to the authority contained in section 5 of this Act. No such report and no evidence resulting from such personal examination or evidence offered by the patient shall be admissible against him in any judicial proceeding except a proceeding under this Act.

(c) The patient may, prior to the examination made pursuant to the provisions of section 5 of this Act or prior to the hearing provided for by section 8 of this Act, waive his rights to an examination, to counsel, or to such hearing, and voluntarily submit himself to commitment pursuant to the provisions of this Act.

HEARING

SEC. 8. (a) Upon the evidence introduced at a hearing held for that purpose the court shall determine whether the patient is a drug user. The hearing shall be conducted without a jury unless, before such hearing and within five days after the date on which the petition is filed pursuant to section 5 of this Act, a jury demanded by the patient or by the United States attorney for the District of Columbia. Each patient concerning whom a report is filed shall be detained at such place as the Commissioners may designate until the completion of such hearing or until released as provided in section 5 (b) hereof.

(b) The rules of evidence applicable in civil judicial proceedings shall be applicable to hearings pursuant to this section, including the right of the patient to present evidence in his own behalf and to subpena and cross-

examine witnesses. However, no patient examined pursuant to the provisions of this Act, shall be permitted at any hearing ordered pursuant to this section to object to the submission of testimony concerning such examination on the ground of privilege.

CONFINEMENT OF PATIENT

SEC. 9. If the court finds the patient to be a drug user, it may commit him to a hospital designated by the patient or the Commissioners and approved by the court, to be confined there for rehabilitation until released in accordance with section 10 of this Act. In the event a patient elects to designate a hospital to which he wishes to be committed, he shall be required to satisfy the court that such hospital has medical, rehabilitation, and security facilities comparable to the institutions designated by the Commissioners and, in addition, the cost of such hospitalization shall be borne by the patient. The head of the hospital shall submit written reports within such periods as the court may direct, but no longer than six months after the commitment and for successive intervals of time thereafter, and state reasons why the patient has not been released.

RELEASE OF PATIENT

SEC. 10. (a) When the head of the hospital to which the patient is committed finds that the patient appears to be no longer in need of confinement for treatment purposes, or has received maximum benefits, he shall give notice to the judge of the committing court, and said patient shall be delivered to the said court for such further action as the court may deem necessary and proper under the provisions of this Act.

(b) The court, upon petition of the patient after confinement for one year, shall inquire into the refusal or failure of the head of the hospital to release him. If the court finds that the patient is no longer in need of care, treatment, guidance, or rehabilitation, or has received maximum benefits, it shall order the patient released, in accordance with the provisions of section 11 of this Act.

PERIOD OF EXAMINATION OF RELEASED PATIENT

SEC. 11. (a) For two years after his release, the patient shall report to the Commissioners at such times and places as required, for a physical examination to determine whether the patient has again become a drug user. If the Commissioner determine that the person examined is a drug user, they shall then order the patient into an institution in accordance with the provisions of this Act.

(b) Upon the failure of any patient to report in accordance with the provisions of subsection (a) hereof, the United States attorney for the District of Columbia shall be notified of such failure, and a statement of such failure to report shall be filed with the court. The court shall issue an attachment for the patient and order him confined forthwith for examination and such further action as the court may deem necessary and proper under the provisions of this Act.

PATIENT NOT DEEMED A CRIMINAL

SEC. 12. The patient in any proceedings under this Act, shall not be deemed a criminal and the commitment of any such patient shall not be deemed a conviction.

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52 STAT. 785, CHAPTER 532, DISTRICT OF COLUMBIA CODE 33-401, SECTION 1

The following words and phrases, as used in this Act, shall have the following meanings, unless the context otherwise requires:

(a) "Person" includes any corporation, association, copartnership, or one or more individuals.

(b) "Physician" means a person authorized by law to practice medicine or osteopathy in the District of Columbia.

(c) "Dentist" means a person authorized by law to practice dentistry in the District of Columbia.

(d) "Veterinarian" means a person authorized by law to practice veterinary medicine in the District of Columbia.

(e) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process produces or prepares narcotic drugs to be sold or dispensed on prescription.

(f) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared on official written orders but not on prescription.

(g) "Apothecary" means a licensed pharmacist as defined by the laws of the District of Columbia and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this Act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege that is not granted to him by the pharmacy laws of the District of Columbia.

(h) "Hospital" means an institution or clinic for the care and treatment of the sick and injured, approved by the health officer of the District of Columbia as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(i) "Laboratory" means a laboratory approved by the health officer of the District of Columbia as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(j) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

(k) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(l) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium.

(m) "Cannabis" includes all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including specifically the drugs known as American hemp, marihuana, Indian hemp or hasheesh, as used in cigarettes or in any other articles, compounds, mixtures, preparations, or products whatsoever, but shall not

include the mature stalks of such plant; fiber produced from such stalks; oil or cake made from the seeds of such plant; any compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom); fiber, oil or cake; or the sterilized seed of such plant which is incapable of germination.

[(n) "Narcotic drugs" means coca leaves, opium, cannabis, and every substance not chemically distinguishable from them.]

(n) "Narcotic drugs" means coca leaves, opium, cannabis, isonipecaine, and opiate, and every substance not chemically distinguishable from them, and any compound, manufacture, salt, derivative, or preparation of coca leaves, opium, cannabis, isonipecaine, or opiate, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

[(o) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, cannabis, and other narcotic drugs.]

(o) "Federal narcotic laws" means the laws of the United States and the regulations promulgated thereunder relating to opium, coca leaves, cannabis, and other narcotic drugs.

(p) "Official written order" means an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal law and, if no such order form is provided, then on an official form provided for that purpose by the Board of Pharmacy.

(q) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(r) "Registry number" means the number assigned to each person registered under the Federal narcotic laws.

(s) "Board of Pharmacy" means the Board of Pharmacy of the District of Columbia as provided by Act of Congress approved May 7, 1906, as amended (D. C. Code of 1929, title 20, part 3, sec. 198).

(t) "Isonipecaine" and "opiate" shall have the same meaning as that given to such terms by section 4731 of the Internal Revenue Code of 1954.

SEC. 2. *(a)* It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this Act.

(b) Arrests without a warrant, and searches of the person and seizures pursuant thereto, may be made for a violation of subsection (a) hereof by police officers, as in the case of a felony, upon probable cause that the person arrested is violating such subsection at the time of his arrest.

(c) No evidence discovered in the course of any such arrest, search, or seizure authorized by subsection (b) hereof, shall be admissible in any criminal proceeding against the person arrested unless at the time of such arrest he was violating the provisions of this section.

* * * * * * *

SEC. 5. An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. It

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shall be unlawful for a manufacturer or wholesaler to sell, barter, exchange, or give away any preparation or remedy described [in section 6 of the Act of Congress approved December 17, 1914, entitled "An Act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, of preparations, and for other purposes", as amended,] *in section 4702 of the Internal Revenue Code of 1954* which contains not more than two grains of opium, or not more than one-fourth of a grain of morphine, or not more than one-eighth of a grain of heroin, or not more than one grain of codeine, or any salt or derivative of any of them in one fluid or avoirdupois ounce, except in pursuance of a written order, on a form to be issued in blank by the District of Columbia Board of Pharmacy. Every person who shall accept any such order, and in pursuance thereof shall sell, barter, exchange, or give away any of the aforesaid preparations shall preserve such order for a period of two years in such a way as to be readily accessible to inspection by any officer or agent authorized for that purpose.

The Board of Pharmacy shall cause suitable written order forms to be prepared for the purchase of narcotics for which no form is provided by the United States Commissioner of Narcotics, and shall cause the same to be for sale by said Board [at a cost not to exceed $1 a hundred,] *at cost* to those persons who shall have registered under the Federal narcotic laws. The Board of Pharmacy shall keep an account of the number of forms sold and the names and addresses of the purchasers and the serial numbers of such forms sold to each purchaser. Whenever the Board of Pharmacy shall sell any such forms it shall cause the name and address of the purchaser thereof to be plainly written or stamped thereon before delivering the same. The said Board is authorized and directed to make such rules and regulations, not inconsistent with law, as it may deem necessary for the administration and enforcement of this Act.

It shall be deemed a compliance with this section if the parties to the transaction have complied with the Federal narcotic laws respecting official order forms if such order forms are authorized and required by Federal laws, or, if no such order form is [provided, then with the rules and regulations of the Board of Pharmacy respecting official order forms.] *required by Federal law and if no such order form is available for purchase as provided in the preceding paragraph of this section, then the parties to the transaction shall comply with the rules and regulations made pursuant to this Act respecting official order forms and such other records as may be required.*

* * * * * * *

SEC. 8. (a) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, dated and signed, in ink or indelible pencil, on the day when issued, by the physician, dentist, or veterinarian prescribing said narcotic drugs. The prescription when issued shall also state the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the Federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall

state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. [The prescription shall be retained on file by the proprietor of the pharmacy in which it is filed for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this Act. The prescription shall not be refilled.]

(b) An apothecary, in good faith, may sell and dispense on oral prescription of a physician, dentist, or veterinarian such narcotic drugs or compounds thereof as are found by the Secretary of the Treasury or his delegate, pursuant to section 4705 (c) (2) of the Internal Revenue Code of 1954, to possess relatively little or no addiction liability. The oral prescription shall be reduced to a written record by the apothecary before filling, with said written record containing the same information as is required by law or regulation in the case of a written prescription except for the requirement of the written signature of the prescriber.

(c) A written prescription or a written record of an oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the endorsement of this Act. The prescription shall not be refilled.

[(b)] *(d)* The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

[(c)] *(e)* An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than 20 per centum of the complete solution, to be used for medical purposes.

SEC. 9. (a) A physician or a dentist, in good faith and in the course of his professional practice only, [may prescribe in writing] *may prescribe by a written or oral prescription* administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision. [Such a prescription] *Each written prescription* shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the patient for whom the narcotic drug is prescribed and the full name, address, and registry number under the Federal narcotic laws of the person prescribing, provided he is required by those laws to be so registered. *In issuing an oral prescription, the physician or dentist shall furnish the apothecary with the same information as is required by law or regulation in the case of a written prescription for narcotic drugs and compounds, except for the requirement of the written signature of the prescriber.*

(b) A veterinarian, in good faith and in the course of his professional practice only and not for use by a human being, [may prescribe in writing] *may prescribe by a written or oral prescription,* administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision. [Such a prescription] *Each written prescription* shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the owner of the animal; the species

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of the animal for which the narcotic is prescribed; and the full name, address, and registry number under the Federal narcotic laws of the person prescribing, provided he is required by those laws to be so registered. *In issuing an oral prescription, the veterinarian shall furnish the apothecary with the same information as is required by law in the case of a written prescription for narcotic drugs and compounds, except for the written signature of the prescriber.*

(c) Nothing contained in subsections (a) and (b) of this section shall be construed as authorizing an oral prescription to be furnished by the physician, dentist, or veterinarian to the apothecary, for a narcotic drug or compound other than those narcotic drugs or compounds determined by the Secretary of the Treasury, or his delegate, pursuant to the provisions of section 4705 (e) (2) of the Internal Revenue Code of 1954, to possess little or no addiction liability.

[(c)] *(d)* Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian shall return to such physician, dentist, or veterinarian any unused portion of such drug, when it is no longer required by the patient.

SEC. 10. Except as otherwise in this Act specifically provided, this Act shall not apply to the following cases:

(a) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation that contains in one fluid ounce or, if a solid or semisolid preparation, in one avoirdupois ounce (1) not more than two grains of opium, (2) not more than one-quarter of a grain of morphine or of any of its salts, (3) not more than one grain of codeine or of any of its salts, (4) not more than one-eighth of a grain of heroin or of any of its salts[.], *(5) not more than one-sixth of a grain of dihydrocodeinone or any of its salts.*

(b) Prescribing, administering, dispensing, or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted from such liniments, ointments, or preparations, except that this Act shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

(c) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation containing not in excess of 25 per centum of paregoric, in combination with some drug or drugs which confer upon it medicinal properties other than those possessed by paregoric.

The exemptions authorized by this section shall be subject to the following conditions:

(1) The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone.

Such preparation shall be prescribed, administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this Act.

Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold to any person, or for the use of any person or animal,

when it is prescribed, administered, dispensed, or sold in compliance with the general provisions of this Act.

Manufacturers or wholesalers shall sell tincture opii camphorata, commonly known as paregoric, only in accordance with the provisions of sections 5 and 6 of this Act on official written order forms provided for that purpose by the Board of Pharmacy. It shall be unlawful for any person to bring into or have in his possession for sale in the District of Columbia any paregoric unless an official written order form has been issued therefor. No person shall dispense or sell any paregoric at retail to any person [without a prescription] *without a written prescription* from a duly licensed physician, dentist, veterinarian, or other duly authorized person. Prescriptions shall be retained and filed as provided in section 8.

SEC. 11. (a) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription in accordance with the provisions of subsection (3) of this section. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

(b) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection (e) of this section.

(c) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection (e) of this section.

(d) Every person who purchases for resale, or who sells narcotic drug preparations exempted by section 10 of this Act, shall keep a record showing the quantitites and kinds thereof received and sold or disposed of otherwise, in accordance with the provisions of subsection (e) of this section.

(e) The form of records shall be prescribed by the Board of Pharmacy. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced, and the proportion of resin contained in or producible from the plant Cannabis sativa L., received, or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of the kind and quantity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded.

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[The keeping of a record required by or under the Federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.]

SEC. 12 (a) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling [a prescription] *a written or oral prescription* under this Act, shall alter, deface, or remove any label so affixed.

(b) Whenever an apothecary sells or dispenses any narcotic drug on [a prescription] *a written or oral prescription* issued by a physician, dentist, or veterinarian he shall [affix to] *affix to or place in* the container in which such drug is sold or dispensed a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient, or, if the patient is an animal, the name and address of the owner of the animal, and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed as long as any of the original contents remain.

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SEC. 14. * * *

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[(*h*) The judge or commissioner must insert a direction in the warrant that it be served in the daytime unless the affidavit is positive that the property is in the place to be searched, in which case he must insert a direction that it be served at any time in the day or night.]

(*h*) *The judge or commissioner shall insert a direction in the warrant that it may be served at any time in the day or night.*

* * * * * * *

SEC. 16. Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance.

SEC. 16A. VAGRANCY—NARCOTIC DRUG USER—PENALTIES—CONDITIONS IMPOSED.

(*a*) *The purpose of this section to to protect the public health, welfare, and safety of the people of the District of Columbia by providing safeguards for the people against harmful contact with narcotic drug users who are vagrants within the meaning of this section and to establish, in addition to the Hospital Treatment for Drug Addicts Act for the District of Columbia, further procedures and means for the care and rehabilitation of such narcotic drug users.*

(b) *For the purpose of this section—*

(1) *the term "vagrant" shall mean any person who is a narcotic drug user or who has been convicted of a narcotic offense in the District of Columbia or elsewhere and who—*

(A) *having no lawful employment or visible means of support realized from a lawful occupation or source, is found mingling with others in public or loitering in any park or other public place and fails to give a good account of himself; or*

(B) *is found in any place, abode, house, shed, dwelling, building, structure, vehicle, conveyance, or boat, in which any illicit narcotic drugs are kept, found, used, or dispensed; or*

(C) *wanders about in public places at late or unusual hours of the night, either alone or in the company of or association with a narcotic drug user or convicted narcotic law violator, and fails to give a good account of himself; or*

(D) *is included within one of the classes of persons defined in paragraphs (1) through (9), inclusive, of section 5 of the Act of December 17, 1941 (55 Stat. 808; D. C. Code, sec. 22–3302), as amended;*

(2) *the term "narcotic drug user" shall mean any person who takes or otherwise uses narcotic drugs, except a person using such narcotic drug as a result of sickness or accident or injury, and to whom such narcotic drugs are being furnished, prescribed, or administered in good faith by a duly licensed physician in the course of his professional practice.*

(c) *Whenever any law-enforcement officer has probable cause to believe that any person is a vagrant within the meaning of this section, he is authorized to place that person under arrest and to confine him in any place in the District of Columbia designated by the Commissioners thereof.*

(d) *Pending arraignment and without unnecessary delay the person arrested as a vagrant within the meaning of this section shall have the opportunity to be examined by a physician designated by the Commissioners of the District of Columbia, who shall determine whether there is evidence of narcotic drug usage.*

(e) *If the physician designated by the Commissioners of the District of Columbia is satisfied that the person examined is not a narcotic drug user, or if there is insufficient evidence of narcotic drug usage, the United States Attorney shall, if the said person is not otherwise chargeable as a vagrant within the meaning of this section, bring such matter to the attention of the Corporation Counsel for the District of Columbia for determination as to whether there shall be a prosecution under the provisions of the Act of December 17, 1941 (55 Stat. 808; D. C. Code, sec. 23–3302), as amended.*

(f) *Upon affirmative determination that the person arrested is a narcotic drug user, or if the person has been convicted of a narcotic offense in the District of Columbia or elsewhere, and if such person is also a vagrant as hereinbefore defined, he shall be charged with the offense of vagrancy within the meaning of this section and arraigned in the United States branch of the municipal court, where the prosecution shall be conducted in the name of the United States by the United States attorney.*

(g) *Any person convicted of being a vagrant under the provisions of this section shall be punished by fine of not more than $500 or imprisonment for not more than one year, or by both such fine and imprisonment.*

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(h) The court, in sentencing any person found guilty under the provisions of this section, may in its own discretion or upon the recommendation of the probation officer, impose conditions upon the service of any such sentence. Conditions thus imposed by the court may include submission to medical and mental examination, and treatment by proper public health and welfare authorities; confinement at such place as may be designated by the Commissioners of the District of Columbia, and such other terms and conditions as the court may deem best for the protection of the community and the punishment, control, and rehabilitation of the defendant.

(i) In all prosecutions under the provisions of this section, the burden of proof shall be upon the defendant to show that he has lawful employment or has lawful means of support realized from a lawful occupation or source."

[SEC. 17. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

[(a) Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States Commissioner of Narcotics, by the officer who destroys them.

[(b) Upon written application by the Board of Pharmacy, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said Board of Pharmacy for distribution or destruction, as hereinafter provided.

[(c) Upon application by any hospital within the District of Columbia not operated for private gain, the Board of Pharmacy may, in its discretion, deliver any narcotic drugs that have come into its custody by authority of this section to the applicant for medicinal use. The Board of Pharmacy may from time to time deliver excess stocks of such narcotic drugs to the United States Commissioner of Narcotics, or may destroy the same.

[(d) The Board of Pharmacy of the District of Columbia shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all Federal or District of Columbia officers charged with the enforcement of Federal and District narcotic laws.]

SEC. 17. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which come into custody of a peace officer, shall be delivered promptly to the Secretary of the Treasury or his delegate for disposal in accordance with the provisions of section 4733 of the Internal Revenue Code of 1954, except that narcotic drugs which may be needed as evidence in any criminal or administrative proceeding pursuant to the provisions of this Act or the provisions of any

Federal narcotic law shall, upon delivery to the Secretary of the Treasury, not be so disposed of until the United States attorney for the District of Columbia or any assistant United States attorney shall certify that such narcotic drugs are no longer needed as evidence.

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[SEC. 23. Any person violating any provision of this Act, or of any regulation made by the Board of Pharmacy under authority of this Act, shall upon conviction be punished, for the first offense, by a fine of not less than $100 nor more than $1,000, or by imprisonment for not exceeding one year, or by both such fine and imprisonment, and for any subsequent offense by a fine of not less than $500 nor more than $5,000, or by imprisonment for not exceeding ten years, or by both such fine and imprisonment.]

SEC. 23. Any person violating any provision of this Act, or any regulation made by the Commissioners of the District of Columbia, under authority of its sections, for which no specific penalty is otherwise provided, shall upon conviction be punished, for the first offense, by a fine of not less than $100 nor more than $1,000, or by imprisonment for not exceeding one year, or by both such fine and imprisonment, and for any subsequent offense by a fine of not less than $500 nor more than $5,000, or by imprisonment for not exceeding ten years, or by both such fine and imprisonment.

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58 STAT. 698, SECTION 341, UNITED STATES CODE 42–257

The Surgeon General is authorized to provide for the confinement, care, protection, treatment, and discipline of persons addicted to the use of habit-forming narcotic drugs who voluntarily submit themselves for treatment and addicts who have been or are hereafter convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts. Such care and treatment shall be provided at hospitals of the Service especially equipped for the accommodation of such patients and shall be designed to rehabilitate such persons, to restore them to health, and, where necessary, to train them to be self-supporting and self-reliant. *Upon the admittance to, and departure from a hospital of the Service of a person who voluntarily submitted himself for treatment pursuant to the provisions of this section and who at the time of his admittance to such hospital was a resident of the District of Columbia, the Surgeon General shall furnish to the Commissioners of the District of Columbia, or their designated agent, the name, address, and such other pertinent information as may be useful in the rehabilitation to society of such person.*

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58 STAT. 701, SECTION 344 (d) UNITED STATES CODE 42–260 (d)

Any addict admitted for treatment under this section shall not thereby forfeit or abridge any of his rights as a citizen of the United States; nor shall such admission or treatment be used against him in any proceeding in any court; and the record of his voluntary commitment [shall be confidential] *shall, except as otherwise provided by this Act, be confidential.*

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68 STAT. 80, SECTION 345 (a), DISTRICT OF COLUMBIA CODE 24–614 (a)

SEC. 345. (a) The Surgeon General is authorized to admit for care and treatment in any hospital of the Service suitably equipped therefor, and thereafter to transfer between hospitals of the Service in accordance with section 321 (b), any addict who is committed, under the provisions of the Act of June 24, 1953 (Public Law 76, Eighty-third Congress), to the Service or to a hospital thereof for care and treatment and who the Surgeon General determines is a proper subject for such care and treatment. No such addict shall be admitted unless [(1) he is committed prior to July 1, 1956; and (2) at the time of his commitment, the number of persons in hospitals of the Service who have been admitted pursuant to this subsection is less than fifty; and (3) suitable accommodations are available after all eligible addicts convicted of offenses against the United States have been admitted.] *(1) if committed prior to July 1, 1958; (2) at the time of commitment, the number of persons in hospitals of the Service who have been admitted pursuant to this subsection is less than one hundred; and (3) suitable accommodations are available after all eligible addicts convicted of offenses against the United States have been admitted.*

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68 STAT. 79, CHAPTER 195, SECTION 1, PUBLIC LAW 355, 83d CONGRESS

SEC. 1. In order to afford the District of Columbia [time to provide] the facilities required to carry out the Act of June 24, 1953 (Public Law 76, Eighty-third Congress), *as amended*, and [in the interim,] to help it meet its responsibility for the detention, care, and treatment of non-criminal narcotic addicts, it is hereby declared to be the purpose of this Act to authorize the limited use of suitable Public Health Service facilities [for a temporary period,] at the expense of the District of Columbia, for such detention, care, and treatment.

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Calendar No. 2276

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2255

AMENDING TITLE IX OF THE DISTRICT OF COLUMBIA REVENUE ACT OF 1937

JUNE 18, 1956.—Ordered to be printed

Mr. BIBLE (for Mr. MORSE), from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany H. R. 3693]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 3693) to amend title IX of the District of Columbia Revenue Act of 1937, as amended, after full consideration, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 7, insert the word "a" between the words "for term".

Page 3, after line 16, insert a new section as follows:

> SEC. 2. The amendment to the first paragraph of section 2 of title IX of the District of Columbia Revenue Act of 1937, set forth in the first section of this Act, shall take effect after the expiration of the term of office of the present judge of the District of Columbia Tax Court.

The purpose of this legislation is to increase the term of the judge of the District of Columbia Tax Court from 4 years to 10 years, and provides retirement for the judge of such court as follows:

> (1) after having served as a judge of such court for a period or periods aggregating 20 years or more, whether continuously or not;
>
> (2) after having served as a judge of such court for a period or periods aggregating 10 years or more, whether continuously or not, and having attained the age of 70 years; or
>
> (3) after having become permanently disabled from performing his duties, regardless of age or length of service.

The bill also provides for retirement because of disability of the judge of the District of Columbia Tax Court, a provision which is not now extended to the members of the Municipal Court of the District

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of Columbia, the Municipal Court of Appeals of the District of Columbia, nor to the juvenile court judges of the District of Columbia. Further provision is made that any judge, who is retired for any reasons under this bill, other than disability, may be called upon by the Commissioners of the District of Columbia to perform such judicial duties as may be requested of him in said court. In no event shall such retired judge be required to render services for more than 90 days in any calendar year after retirement. This provision is presently applicable to the members of the Municipal Court, the Municipal Court of Appeals, and the juvenile court judge of the District of Columbia.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

(52 Stat. 370; 66 Stat. 547)

SEC. 2. The commissioners shall appoint a board of one person, subject to removal by the commissioners, to be called the "Board of Tax Appeals for the District of Columbia," which person shall be a citizen of the United States. Such person shall be appointed [for a term of four years] *for the term of ten years;* except such appointment as may be made for the remainder of an unexpired term. Any vacancy caused by death, resignation, or otherwise shall be filled by the commissioners only for an unexpired term. Such person shall be eligible for reappointment. Such person shall be an attorney and in active practice of law for at least ten years next preceding his appointment.

The salary of such person so appointed shall be $17,500 per annum. The commissioners are authorized to employ such other personal services as may be necessary to carry out the provisions of this title and to provide for the expenses of the board. The salaries of employees other than the board shall be fixed in accordance with the Classification Act of 1923 (U. S. C., title 5, § 673), as amended, but such employees shall be appointed without regard to civil-service requirements. The commissioners shall include in their annual estimates such amounts as may be required for the salaries and expenses herein authorized.

The Board of Tax Appeals for the District of Columbia shall hereafter be known as the District of Columbia Tax Court and the member thereof shall be known as the judge of the District of Columbia Tax Court. The said District of Columbia Tax Court shall not be deemed or held to be a constituent member of the assessing or taxing authority of the District of Columbia but shall be deemed to be an independent agency, separate and apart from such assessing and taxing authority. All references in any statute (except this paragraph) to the Board of Tax Appeals or to the Board when used in the sense of the Board of Tax Appeals for the District of Columbia, or to the member thereof shall be considered to be made to the District of Columbia Tax Court and to the judge thereof, respectively.

Whenever the judge of the District of Columbia Tax Court shall be unable to hear and determine any case, or if said judge shall disqualify

himself from hearing and determining any case, or if that office should become vacant, the Commissioners are authorized in their discretion to appoint any member in good standing of the bar of the United States District Court for the District of Columbia to hear and determine such case or cases in the place and stead of the duly appointed judge, or of the duly appointed judge who has vacated that office: *Provided*, That, if the office of judge of the District of Columbia Tax Court shall become vacant, no such vacancy shall be deemed to exist for the purposes of this paragraph after the expiration of one hundred and twenty days, except that the person appointed to fill the temporary vacancy may and shall determine all cases the hearing of which commenced within such one hundred and twenty days. Any person appointed under this paragraph to act in the place and stead of the duly appointed judge of the District of Columbia Tax Court, or so to act while that office is vacant, shall take the oath of office and shall be paid on a per diem basis in any amount to be determined by the Commissioners and paid out of the annual appropriation for the District of Columbia Tax Court. No action taken under this paragraph shall operate to reduce the salary of the duly appointed judge of the District of Columbia Tax Court. No person employed by the United States or by the District of Columbia shall be appointed under this paragraph.

The judge of the District of Columbia Tax Court may hereafter retire—

(1) after having served as a judge of such court for a period or periods aggregating twenty years or more, whether continuously or not;

(2) after having served as a judge of such court for a period or periods aggregating ten years or more, whether continuously or not, and having attained the age of seventy years; or

(3) after having become permanently disabled from performing his duties, regardless of age or length of service.

Such judge may retire for disability by furnishing to the Commissioners of the District of Columbia a certificate of disability signed by the chief judge of the United States District Court for the District of Columbia. The judge who retires under this section shall receive annually in monthly installments, during the remainder of his life, a sum equal to such proportion of the salary received by such judge at the time of such retirement as a total of his aggregate years of service bears to the period of thirty years, the same to be paid in the same manner as the salary of such judge. In no event shall the sum received by such judge hereunder be in excess of the salary of such judge at the time of such retirement. In computing the years of service under this section, service in the Board of Tax Appeals of the District of Columbia, as heretofore constituted, shall be included whether or not such service be continuous.

(a) The term 'retire' as used in this section shall mean and include retirement, resignation, or failure of reappointment upon the expiration of the term of office of incumbent.

(b) Any judge receiving retirement salary other than for disability under the provisions of this section may be called upon by the Commissioners of the District of Columbia to perform such judicial duties as may be requested of him in said court, but in any event no such retired judge shall be required to render such service for more than ninety days in any calendar year after such retirement. In case of illness or disability precluding the rendering of such service such retired judge shall be fully relieved of any such duty during such illness or disability.

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Calendar No. 2277

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2256

AUTHORIZING RESEARCH AND EXPERIMENTAL WORK WITH VESSELS, PORT FACILITIES, CARGO HANDLING

JUNE 18, 1956.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany S. 2429]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2429) to amend section 212 of the Merchant Marine Act, 1936, to authorize research and experimental work with vessels, vessel propulsion and equipment, port facilities, planning, and operation and cargo handling on ships and at ports, having considered the same, report favorably thereon without amendment, and recommend that the bill do pass.

PURPOSE OF THE BILL

S. 2429 would give specific authority to the Maritime Administration, in collaboration with public and private interests concerned, to carry on research activities in the fields of ship design, propulsion and equipment; of improvement of port facilities, and of all phases of passenger and cargo handling.

It would authorize studies looking to reducing the time spent (nonproductively) in port by vessels, through modernization of cargo handling, of equipment, wharves, piers, warehouse facilities and procedures, etc.

In his testimony at the subcommittee hearing the Maritime Administrator explained the need for enactment of the bill, as follows:

> We consider research and design, and developmental work in these fields, to be the key to solution of many difficulties facing the American merchant marine. The high cost of new construction and the rapid obsolescence of the existing fleet and existing shipping facilities make it imperative that our dollars and our present investments be more effectively used in improved ships and improved use of ships * * *. Plans

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must be developed for improved ship designs to obtain cheaper and more efficient operation, and plans must be developed for cutting down the high percentage of a vessel's lifetime spent in port compared with its operating time at sea.

The Government should, under the 1936 act, take the lead in the development of both facilities and cargo handling equipment and practices at shoreside water terminals.

The Department of Defense and of Treasury urge enactment, as does the Pacific American Steamship Association in a letter submitted to the committee on June 6, 1956. These and other Government departmental reports are appended.

TREASURY DEPARTMENT,
September 2, 1955.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to the request of your committee for the views of the Treasury Department on S. 2429, to amend section 212 of the Merchant Marine Act, 1936, to authorize research and experimental work with vessels, vessel propulsion and equipment, port facilities, planning and operation and cargo handling on ships and at ports.

Although the Department does not have a primary interest in this proposed legislation, it does have a secondary interest stemming from the statutory authority vested in the Coast Guard covering the inspection and certification of vessels constructed, operated, and equipped by the Maritime Administration. Such inspections are in all respects similar to that of merchant vessels generally. The Coast Guard has an interest from a safety viewpoint in the results of research and experimental work with vessels, vessel propulsion and equipment, etc.

The Treasury Department believes that the purpose of this legislation, which is to increase the authority of the Maritime Administration in the field of research and development with respect to matters concerning the merchant marine, has obvious merit. Therefore, the Treasury Department favors the enactment of S. 2429.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

A. N. OVERBY,
Acting Secretary of the Treasury.

DEPARTMENT OF THE NAVY,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, D. C., October 18, 1955.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Your request for comment on the bill S. 2429, to amend section 212 of the Merchant Marine Act, 1936, to authorize research and experimental work with vessels, vessel propulsion, and equipment, port facilities, planning and operation and cargo handling on ships and at ports, has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

The purpose of this bill is to authorize and direct the Maritime Commission to conduct, in collaboration with public and private interests concerned, research and experiments, and to develop plans and designs for the improvement of vessels, machinery, equipment, wharves, docks, piers, warehouses, and other port facilities. This bill would permit the improvement of our merchant vessels and port facilities.

The improvement of merchant vessels and port facilities, particularly in cargo handling, would be of great advantage to the Department of Defense in time of war when the turnaround time of merchant vessels may be a critical factor.

In view of the foregoing, the Department of the Navy, on behalf of the Department of Defense, favors the enactment of S. 2429.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report on S. 2429 to the Congress.

For the Secretary of the Navy.
Sincerely yours,

IRA H. NUNN,
Rear Admiral USN,
Judge Advocate General of the Navy.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington 25, July 22, 1955.

B–123668

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your letter of July 7, 1955, acknowledged by our letter of July 8, 1955, enclosing copies of S. 2429 and H. R. 4118, 84th Congress, 1st session, and requesting our views thereon.

S. 2429, entitled "A bill to amend section 212 of the Merchant Marine Act, 1936, to authorize research and experimental work with vessels, vessel propulsion and equipment, port facilities, planning, and operation and cargo handling on ships and at ports," is identical to the draft prepared by the Department of Commerce and referred to us by the Bureau of the Budget for our views.

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In our report to the Bureau of the Budget, we invited attention to the fact that the statement of explanation accompanying the proposed bill emphasized the necessity for the Government to take the lead in research and experiments. If, as the statement indicated, the activities are to be financed solely from Government funds—with the collaboration by public and private interests to be of an advisory nature—it is suggested that such intent be made clear in the bill.

Aside from the foregoing comment, the granting of authority for the Secretary of Commerce to conduct research and experiments relating to the merchant marine is primarily a matter of policy for the Congress to determine and with respect to which we make no recommendation.

A separate report is being furnished on H. R. 4118.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

The comment of the Pacific American Steamship Association on S. 2429 is as follows:

> This bill would permit the Maritime Administration to design, develop and test vessels, propelling machinery, cargo handling and other vessel equipment, as well as to conduct research, develop plans and designs for the improvement of shoreside facilities.
>
> The work envisioned in this legislation is in many cases beyond the scope of capacity of private industry to undertake. We are extremely gratified that the Maritime Administration has prepared itself and is able to undertake this important work, in conjunction with private interests. We feel that it is particularly important to go forward with experimentation in the field of port operation, for the simple reason that it is of little value to develop new vessel designs without at the same time taking steps to insure up-to-date shoreside facilities.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

MERCHANT MARINE ACT, 1936

(Title 46, U. S. C., sec. 1122 (c))

Sec. 1122. * * *.
(a) * * *.
(b) * * *.
(1) * * *.
(2) * * *.

(c) Collaboration with owners and builders.

To collaborate with vessel owners and shipbuilders in developing plans for the economical construction of vessels and their propelling machinery of most modern economical types, giving thorough consideration to all well-recognized means of propulsion and taking into account the benefits accruing from standardized production where practicable and desirable;

In collaboration with public and private interests concerned, and in the interest of improved efficiency and economy, to conduct research and experiments, developmental, trial, and demonstration work with vessels, propelling machinery, cargo handling and other vessel equipment, improvements and facilities, and to prepare plans and designs for new and improved vessels, machinery, equipment, and facilities:

In collaboration with public and private interests concerned, and in the interest of improved efficiency and economy in the transfer of cargo and passengers between vessels and shore transportation facilities in ports, to conduct research and experiments, to develop plans and designs, procedures, and equipment for the improvement of wharves, docks, piers, warehouses, and other port facilities used in the movement and handling of cargo, passengers, and other commerce in ports in connection with water transportation;.

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Calendar No. 2278

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2257

RELATING TO THE APPLICATION IN THE TERRITORY OF HAWAII OF THE FEDERAL AID IN WILDLIFE RESTORATION ACT AND THE FEDERAL AID IN FISH RESTORATION ACT

JUNE 18, 1956.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H. R. 5790]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 5790) to amend the Federal Aid to Wildlife Restoration Act, as amended, and the Federal Aid in Fish Restoration Act, as amended, having considered the same, report favorable thereon and recommend that the bill do pass.

The purpose of the bill is to modify the provisions of the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act as they relate to the Territory of Hawaii, so as to place Hawaii on a parity with the several States in the distribution of Federal-aid funds under the formula and matching fund requirement as expressed in existing law, which, at present, does not apply to the Territories and possessions of the United States.

Section 8 (a) of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (50 Stat. 917; 16 U. S. C., 1952 edition, sec. 669a) and section 12 of the Federal Aid in Fish Restoration Act of August 9, 1950 (64 Stat. 431; 16 U. S. C. 1952 edition, sec. 777a) each provide that the Territory of Hawaii receive a fixed annual amount "not to exceed $25,000.00" to accomplish the purposes expressed in the legislation. The present bill modifies such provisions and removes Hawaii from the "fixed" sums and places it on a parity with the several States.

Allocations to the several States are based upon a formula designed to give each State its equitable portion of Federal aid based upon its area and the number of hunters or fisherman purchasing licenses. The funds are allocated on the basis of one-half in the ratio which the area of each State bears to the total area of all the States, and one half in the ratio which the number of paid license holders of each State bears to the total number of paid license holders of all the States. The funds are derived from the excise tax imposed on sporting arms

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and ammunition. In order that a State can become eligible for grants-in-aid, it must provide at least 25 percent of the funds needed for individual projects.

Hawaii, during the past 10 years, has made great strides in the wildlife and fish-restoration fields. In the former, it has established 14 public shooting areas, containing about 243,000 acres of land and conducted wildlife surveys and investigations gathering data urgently needed for management use. In the latter, it has conducted a study of the fresh-water goby and is conducting research on the ultimate restoration on the once valuable off-shore-reef fisheries, which have been severely overfished. Thus, placing Hawaii on a parity with the several States in the distribution of these grants-in-aid funds will enable it to undertake additional projects that are badly needed. Such equality of treatment will also result in imposing upon the Territory stricter matching requirements than now apply to it. Accordingly, this committee recommends that the bill do pass.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics, matter proposed to be omitted is in brackets, existing law in which no change is proposed is shown in roman):

FEDERAL AID IN WILDLIFE RESTORATION ACT OF SEPTEMBER 2, 1937 (50 STAT. 917)

SEC. 2. * * * the term "State fish and game department" shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercized by a State fish and game department[.]; *and the term "State" shall be construed to mean and include the several States and the Territory of Hawaii.*

SEC. 8. (a) The Secretary of the Interior is authorized to cooperate with the Alaska Game Commission, [the Division of Game and Fish of the Board of Commissioners of Agriculture and Forestry of Hawaii,] the Commissioner of Agriculture and Commerce of Puerto Rico, and the Governor of the Virgin Islands, in the conduct of wildlife-restoration projects, as defined in section 669a of this title, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to said [Territories,] *Territory of Alaska*, Puerto Rico, and the Virgin Islands, out of money available for apportionment under sections 669–669j of this title, such sums as he shall determine, not exceeding $75,000 for Alaska, [not exceeding $25,000 for Hawaii,] and not exceeding $10,000 each for Puerto Rico and the Virgin Islands, in any one year, which apportionments, when made, shall be deducted before making the apportionments to the States provided for by said sections; but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in the [Territories] *Territory of Alaska*, Puerto Rico, or the Virgin Islands, as the case

may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory-Bird Conservation Act.

FEDERAL AID IN FISH RESTORATION ACT OF AUGUST 9, 1950 (64 STAT. 431; 16 U. S. C., 1952 ED., SEC. 777A)

SEC. 2. * * * the term "State fish and game department" shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department [.]; *and the term "State" shall be construed to mean and include the several States and the Territory of Hawaii.*

SEC. 12. The Secretary of the Interior is authorized to cooperate with the Alaska Game Commission, [the Division of Game and Fish of the Board of Commissioners of Agriculture and Forestry of Hawaii,] the Commissioner of Agriculture and Commerce of Puerto Rico, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects, as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to said [Territories] *Territory of Alaska*, Puerto Rico, and the Virgin Islands, out of money available for apportionment under this Act, such sums as he shall determine, not exceeding $75,000 for Alaska, [not exceeding $25,000 for Hawaii,] and not exceeding $10,000 each for Puerto Rico, and the Virgin Islands, in any one year, which apportionments, when made, shall be deducted before making the apportionments to the States provided for by this Act; but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made, pursuant to this section shall be available for expenditure in the [Territories] *Territory of Alaska*, Puerto Rico, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of the year is authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport recreation.

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Calendar No. 2279

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2258

AUTHORIZING CONSTRUCTION OF NUCLEAR-POWERED PROTOTYPE MERCHANT SHIP FOR OPERATION IN FOREIGH COMMERCE

JUNE 18, 1956.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany S. 2523]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2523) to amend section 212 of the Merchant Marine Act, 1936, to authorize the construction of a nuclear-powered prototype merchant ship for operation in foreign commerce of the United States, to authorize research and experimental work with vessels, port facilities, planning, and operating and cargo handling on ships and at ports, and for other purposes, having considered the same, report favorably thereon, with an amendment in the nature of a substitute restore the original title and recommend that the bill as reported do pass.

The bill as here reported is as follows:

That section 212 (c) of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1122), is amended by inserting at the end of subsection (c) two new paragraphs to read as follows:

"That there is hereby authorized to be appropriated to the Department of Commerce, Maritime Administration, such sums as may be necessary, to remain available until expended, for the construction, outfitting, and preparation for operation, including training of qualified personnel, of a nuclear-powered prototype merchant ship capable of providing shipping services on routes essential for maintaining the flow of the foreign commerce of the United States. The Maritime Administration in carrying on activities and functions under this paragraph, may collaborate with and employ persons, firms, and corporations on a contract or fee basis for the performance of special services deemed necessary by the Administration in carrying on such activities and functions, and may, for the same purposes, with the approval of the Secretary of Commerce and where appropriate the Atomic Energy Commission, avail itself of the use of licenses, information, services, facilities, offices, and employees of any executive department, independent establishment, or other agency of the Government, including any field service thereof;

"In collaboration with public and private interests concerned, and in the interest of improved efficiency and economy in the transfer of cargo and passengers

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between vessels and shore transportation facilities in ports, to conduct research and experiments, to develop plans and designs, procedures, and equipment for the improvement of wharves, docks, piers, warehouses, and other port facilities used in the movement and handling of cargo, passengers, and other commerce in ports in connection with water transportation;".

PURPOSE AND HISTORY OF THE BILL

As introduced by Senator Magnuson, S. 2523 was designed to authorize the construction and operation in foreign commerce of a nuclear-powered prototype merchant ship. It provided authority for appropriation of necessary funds to the Department of Commerce, Maritime Administration for constructing and outfitting such a ship, and for training of qualified personnel for its operation.

The Maritime Administration, the bill provided, would be empowered to take all necessary steps, with the approval, where appropriate, of the Atomic Energy Commission, looking toward the construction of the nuclear-powered prototype, and to avail itself of any licenses, services, information, facilities, etc., of other Government departments and agencies.

The bill also provided for research and experimentation by the Maritime Administration, for the modernization of wharves, docks, piers and other port facilities.

This committee reported the bill (S. Rept. 1035, July 20, 1955) and recommended that it be referred to the Joint Committee on Atomic Energy, which was done. That committee, in reporting out S. 2523 (S. Rept. 1269, July 30, 1955), incorporated in it the provisions of S. 2522 for a demonstration ship, thus providing for the construction of two nuclear-powered vessels. Subsequently, the bill was taken from the Senate Calendar and referred back to the Committee on Interstate and Foreign Commerce.

As now reported by this committee, the bill restores the language contained when it was first introduced. It provides for construction of a nuclear-powered prototype merchant ship, and vests the prime responsibility for such construction, etc., in the Maritime Administration. The research and experimentation provisions of the original bill also are included.

WITNESSES URGE IMMEDIATE CONSTRUCTION

Witnesses at the hearing included the Chairman and other officials of the Atomic Energy Commission, the Undersecretary of Commerce for Transportation and shipping industry representatives. There was general agreement with the statement by Commission Chairman Lewis L. Strauss that,

> * * * the main purpose that I have in coming before you is to get a nuclear-propelled ship of merchant type built as quickly as possible, and before anybody else can do it.

Louis L. Rothschild, speaking for the Department of Commerce, expressed agreement with the committee chairman, Senator Magnuson, that "time is of the essence," declaring:

> It is estimated that approximately 27 to 30 months will be required for construction of this nuclear powerplant and ship, conducting the necessary testing and training a crew for

> the handling of the ship. Although it could be contended that other types of reactors might be developed in little more time than a second *Nautilus* reactor, in our judgment, the greater time is crucial in the existing world situation. Reports indicate that * * * other nations have firm plans to move forward rapidly in the same field. Obviously, a saving of any time at all would constitute a tremendous advantage in the world race to develop the first nuclear-powered ship to be used for other than military purposes.

The general characteristics of the ship now being proposed were given by Mr. Rothschild as follows: Length overall, 552 feet 0 inches; designed displacement, tons, 16,000; speed, knots, 18.

In answer to questioning he said:

> The feeling of the Maritime Administration is that any ship with this type reactor will not be as commercially competitive as a more advanced reactor which could be built at a later date.

But, he added:

> It is paramount that we have a ship nuclear powered, or nuclear propelled, for peaceful purposes on the seas before anyone else does. The only way to get that is by use of the *Nautilus*-type reactor.

Senator Clinton P. Anderson, cosponsor of S. 2523 and chairman of the Joint Committee on Atomic Energy, in a statement submitted for the record, advised the committee:

> * * * I favor the design and construction of a nuclear-powered merchant ship. Such a project is now technically feasible although not economically competitive.

He quoted the report of the panel established by the Joint Committee to study the impact of the peaceful uses of atomic energy to this effect, and cited their conclusion that—

> Atomic propulsion should have the best chance of being competitive in the case of large, high-powered ships which carry heavy bulk cargoes in unlimited supply and spend the maximum amounts of time at sea.

In line with this finding, he expressed hope that Congress will authorize construction of a nuclear-powered oil tanker.

VIEWS OF THE COMMITTEE

The committee are in agreement with the witnesses that the United States should give No. 1 priority to the building and operation of a nuclear-propelled merchant vessel. We realize full well that the first such vessel will not be economic in the sense that it will ever pay for itself or make a profit. However, even though, as Admiral Rickover suggested at the hearing, the second or third or fourth or fifth such vessel may not be economic, we are convinced that the United States must go forward with such a project, and devote whatever effort and funds may be required for research, testing, etc., to the end that this Nation may be first in the field to construct a nuclear-propelled nonmilitary vessel.

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From the testimony of the Undersecretary of Commerce for Transportation, an 18-knot vessel of 16,000 tons displacement would seem entirely feasible, using the *Nautilus*-type reactor. The question therefore presents itself—should this be the exhibition-type proposed by the President, on a dry cargo vessel or an oil tanker?

We would choose 1 of the latter 2 types because, first, the psychological effect on the people of the world would be as pronounced as it would be in the case of the exhibition ship, which relatively few people of other countries would ever see; and the experience gained in commercial operation would be of immense practical value to the United States shipping industry, and might make possible the use of atomic power in some of the many vessels that will have to be built over the next 10 years to replace the present aging merchant fleet.

It might well be, as the McKinney Panel report (quoted above) concluded, that an oil tanker or ore carrier, whose cargo could be loaded and discharged in the matter of hours instead of days, as too often happens now with conventional dry-cargo ships, might offer the most practical test of economic efficiency of nuclear-propulsion.

The committee would strongly recommend that, once authority is given for the construction of a prototype nuclear-powered commercial vessel, the Maritime Administration confer promptly with the Joint Committee panel on peaceful uses of atomic power, and decide on the type of vessel to be built. The committee believes that it should be possible, because of the studies already made by the panel, to arrive at a decision as to the type of vessel within 60 days or even less.

The committee gave consideration to the report of the United States Atomic Energy Commission, dated July 29, 1955, which favored construction of the President's peace ship as the first atomic surface vessel to be constructed and opposing the provisions of the bill that placed responsibility for the construction, etc., of the vessel in the Maritime Administration.

Fears therein expressed that there might "result * * * serious competition for available technical personnel" are discounted by the committee, especially in view of the fact that the already proven *Nautilus*-type reactor would be employed.

Further, we believe that the interests of the American maritime industry will be promoted more promptly and successfully if the project is under the supervision and control of the Maritime Administration.

Appended herewith is the report of the United States Atomic Energy Commission on the bill, dated July 29, 1955; and the pertinent comments of the Joint Committee on Atomic Energy, as presented in its combined report on S. 2522 and S. 2523, dated July 30, 1955; and the report of the Department of Defense, dated June 6, 1956.

ATOMIC ENERGY COMMISSION,
Washington, D. C., July 29, 1955.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR SENATOR MAGNUSON: This is in reply to your letter of July 15, 1955, requesting our views on S. 2523 and S. 2522.

The Commission is in favor of S. 2522. This bill would permit the implementation of the President's program for an Atom for Peace vessel. We feel that it properly spells out the functions of the two agencies involved.

With regard to S. 2523, the Commission agrees with what appears to be its basic objective—accelerating the development of practical and economical nuclear power for merchant ships. However, the Commission considers, at the present state of the art, that the construction of another nuclear-propelled ship should be preceded by feasibility studies, followed by considerable research and development. The period of time for these efforts would probably be of several years duration.

The Maritime Administration has recently applied to the Commission for and received an authorization for access to classified technology relating to nuclear reactors for use in the propulsion of merchant ships. We intend to cooperate fully with the Maritime Administration in its studies and to work out appropriate arrangements for the research and development effort once conclusions have been reached as to feasibility and as to research and development work that needs to be undertaken. We believe this work can go forward without the authorization given in S. 2523. However, the point at which the Maritime Administration would need authorization such as is proposed to be given in S. 2523 is a matter on which the Commission does not believe itself competent to comment.

We note that the bill would appear to permit the Maritime Administration to establish its own research and development facilities rather than to have the work performed by the Atomic Energy Commission through its existing facilities. Depending on the magnitude of the effort, this could result, in the year or two immediately ahead, in serious competition for available technical personnel. It would be the hope of the Commission that the steps that the Maritime Administration would take in the conduct of research and development would be such as to minimize competition and, if necessary to do so, that such development might actually be done in Commission facilities.

For the reasons set forth above, we believe that proceeding with the construction of a second nuclear-propelled ship at this time would be premature, but we would interpose no objection to S. 2523 if it is considered necessary in order that research and development on such a project might go forward. We have been advised by the Bureau of the Budget that it has no objection to our submission of this report.

Sincerely yours,

W. F. LIBBY, *Acting Chairman.*

COMMENTS ON THE JOINT COMMITTEE ON ATOMIC ENERGY

With regard to the long-range program to develop an economically competitive merchant ship, the Joint Committee was assured by both the Atomic Energy Commission and the Maritime Administration that this program could also be carried forward without substantial interference with either the naval reactor program or the large ship reactor program of the Atomic Energy Commission.

The bill as outlined by the Bureau of the Budget and here reported had two other changes which caused some members of the committee to oppose a favorable report upon it. The suggested section 2 here reported makes the Atomic Energy Commission solely responsible

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for the development of the long-range program and provides only for the assistance of the Maritime Administration.

S. 2523, as originally introduced, would have put prime responsibility upon the Maritime Commission to build the nuclear powered prototype merchant ship, would have allowed it to obtain licenses from the Atomic Energy Commission for the development of the nuclear powered powerplant, and would have permitted the Maritime Commission to cooperate with other agencies. The section as proposed by the Bureau of the Budget, by placing sole responsibility in the Atomic Energy Commission, completely reverses the suggested procedure.

Further, the original version of S. 2522 and S. 2523 contemplated that the "construction of the atomic energy propulsion facility and auxiliary equipment for such vessel and installation therein, shall be so conducted as not to impair substantially the prosecution of other atomic energy research and development or construction projects of the Atomic Energy Commission."

The bill as now reported places that language in section 3 but puts before it the qualifying phrase "except as otherwise determined by the Atomic Energy Commission." In other words, if the Commission so determines, the construction of either the peace ship or the long-range atomic-powered merchant ship may be allowed to impair the production of other atomic energy research and development or construction projects of the Atomic Energy Commission.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D. C., June 6, 1956.

Hon. WARREN G. MAGNUSON,
Chairman, Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: The Secretary of Defense has requested that I reply to your letter of May 21, 1956, and the supplementary letter from Mr. Bourbon of May 24 concerning hearings which you have scheduled for June 6 and 7 on certain bills relating to the merchant marine. * * *

Our position on the bills S. 2523 and H. R. 6243 is adequately expressed in the comments submitted to the House Merchant Marine and Fisheries Committee on H. R. 6243 under date of July 26, 1955, a copy of which comments I am enclosing for the information of your committee. It is understood that representatives of the Atomic Energy Commission and the Department of Commerce are prepared to testify on these bills and this Department defers to the views of these agencies thereon.

The Bureau of the Budget has advised that it has no objection to the submission of the foregoing report.

Although your invitation to appear at the hearings is appreciated, I do not feel that the appearance of a witness would add to the information already furnished the committee and that contained in this letter.

Sincerely yours,

CHARLES S. THOMAS,
Secretary of the Navy.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, July 26, 1955.

Hon. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Your request for a report on H. R. 6243, a bill authorizing the construction of a nuclear-powered merchant ship to promote the peacetime application of atomic energy, and for other purposes, has been assigned to this Department for the preparation of a report thereon expressing the views of the Department of Defense.

This bill would authorize the appropriation of funds for the construction, preparation for operation, outfitting, including training of qualified personnel, of a nuclear-powered merchant vessel.

As you know, the President has expressed a desire that at the earliest possible moment a United States nuclear-powered merchant ship be sent throughout the free world to demonstrate this country's intention to emphasize the development of peaceful uses for atomic energy.

It is not apparent from a reading of H. R. 6243, or of House Report 1130, that this proposal is intended to approve the provision of the vessel requested by the President. Accordingly, the Department of the Navy, on behalf of the Department of Defense, while not objecting to H. R. 6243, earnestly requests enactment of legislation which would provide the vessel proposed by the President, as contemplated by H. R. 7360 and S. 2522.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget has advised that there would be no objection to the submission of this report to Congress.

Sincerely yours,

THOMAS S. GATES, Jr.,
Acting Secretary of the Navy.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

MERCHANT MARINE ACT, 1936

(Title 46, U. S. C., sec. 1122 (c))

Sec. 1122 * * *
(a) * * *
(b) * * *
(1) * * *
(2) * * *
(c) Collaboration with owners and builders.

To collaborate with vessel owners and shipbuilders in developing plans for the economical construction of vessels and their propelling machinery of most modern economical types, giving thorough con-

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sideration to all well-recognized means of propulsion and taking into account the benefits accruing from standardized production where practicable and desirable;

That there is hereby authorized to be appropriated to the Department of Commerce, Maritime Administration, such sums as may be necessary, to remain available until expended, for the construction, outfitting, and preparation for operation, including training of qualified personnel, of a nuclear-powered prototype merchant ship capable of providing shipping services on routes essential for maintaining the flow of the foreign commerce of the United States. The Maritime Administration in carrying on activities and functions under this paragraph, may collaborate with and employ persons, firms, and corporations on a contract or fee basis for the performance of special services deemed necessary by the Administration in carrying on such activities and functions, and may, for the same purposes, with the approval of the Secretary of Commerce and where appropriate the Atomic Energy Commission, avail itself of the use of licenses, information, services, facilities, offices, and employees of any executive department, independent establishment, or other agency of the Government, including any field service thereof;

In collaboration with public and private interests concerned, and in the interest of improved efficiency and economy in the transfer of cargo and passengers between vessels and shore transportation facilities in ports, to conduct research and experiments, to develop plans and designs, procedures, and equipment for the improvement of wharves, docks, piers, warehouses, and other port facilities used in the movement and handling of cargo, passengers, and other commerce in ports in connection with water transportation;.

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Calendar No. 2280

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2259

AUTHORIZING CONSTRUCTION OF PROTOTYPE CARGO SHIP AND CONVERSION OF LIBERTY SHIP

JUNE 18, 1956.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany S. 3821]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3821) to authorize the construction of 2 prototype ships and the conversion of 1 Liberty ship, by the Maritime Administration, Department of Commerce, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

THE AMENDMENTS

Amend the title by deleting the words "two prototype ships" and insert therein the words "one prototype ship." On page 1, lines 6 and 7, delete the words "two prototype merchant ships, one of the 'Freedom' class and one" and insert in lieu thereof the words "one prototype merchant ship."

PURPOSE OF THE BILL

S. 3821, as introduced at the request of the Department of Commerce, authorized appropriation to the Department of funds for the construction, outfitting, and testing of 2 prototype merchant ships designed by the Maritime Administration, and for the conversion, outfitting, and testing of 1 reserve fleet Liberty ship. Funds for such purposes were requested in the 1957 budget appropriation but were deleted in the House because it was felt that the Maritime Administration lacked authority for the construction, etc., and conversion desired.

As originally worded, the bill provided authority for construction of a Freedom class vessel of 8,770 deadweight tons and 16-knot speed, and of a Clipper class vessel of 10,900 deadweight tons and 18-knot speed. Both are of the austerity type, designed for fast and economi-

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cal mass construction in time of emergency. However, they are suitable as well for commercial use, with minor modifications to meet specific requirements, as is evidenced by the fact that 1 United States-subsidized line is arranging to include 7 of the Freedom class vessels in its replacement program. For this reason, the Freedom class funds authority was stricken from the bill, as it is felt that sufficient experience will be gotten from the construction of these ships to make unnecessary the building of a prototype.

In any event, whether used commercially or for mass production, the committee feel, the immediate availability of detailed working plans and specification for both types of vessels will result in economies and faster construction.

The provision for funds for converting the Liberty ship will permit continuation of experiments with new types of propulsion for these relatively slow vessels, to the end that the large number of such vessels in the reserve fleet may be stepped up in speed for use in case of future emergency or other needs.

The Department of the Navy, in a report on the bill, dated June 6, 1956, stated:

> It is the policy of the Department of Defense to favor legislation which helps to maintain shipbuilding skills and facilities essential in time of emergency. It is believed that S. 3821 would further such objectives and, accordingly, the Department favors its enactment.

Enactment was favored also by the Pacific American Steamship Association in a letter, dated June 6, 1956, submitted by Ralph B. Dewey, vice president.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D. C., June 6, 1956.

Hon. WARREN G. MAGNUSON,
Chairman, Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: The Secretary of Defense has requested that I reply to your letter of May 21, 1956, and the supplementary letter from Mr. Bourbon of May 24 concerning hearings which you have scheduled for June 6 and 7 on certain bills relating to the merchant marine. * * *

With respect to S. 3821, it is the policy of the Department of Defense to favor legislation which helps to maintain shipbuilding skills and facilities essential in time of emergency. It is believed that S. 3821 would further such objectives and accordingly, the Department favors its enactment. * * *

The Bureau of the Budget has advised that it has no objection to the submission of the foregoing report.

Although your invitation to appear at the hearings is appreciated, I do not feel that the apperance of a witness would add to the information already furnished the committee and that contained in this letter.

Sincerely yours,

CHARLES S. THOMAS,
Secretary of the Navy.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, June 11, 1956.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your letter of May 10, 1956, enclosing copies of various bills, including S. 3821, 84th Congress, 2d session, entitled "A bill to authorize the construction of two prototype ships, and the conversion of one Liberty ship, by the Maritime Administration, Department of Commerce," and inviting our comments thereon.

The Maritime Administration included $19 million for this work in its 1957 budget estimates but the item was not included in the 1957 appropriation because of the lack of legislative authority to perform such construction and converision work. S. 3821 would give Maritime the necessary authority.

We have no information as to the need for or desirability of the authority proposed in this measure. Accordingly, we offer no comments or recommendations on the proposed legislation.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

The comment of the Pacific American Steamship Association with regard to S. 3821 is as follows:

> This legislation would permit the Maritime Administration to construct two prototype vessels, one of the Freedom class and one of the Clipper class. The members of our association have taken an active part in the design stages of these two new vessel types and our recommendations have received most serious consideration by the Vessel Construction Division of the Maritime Administration. It goes without saying that if commercial firms are to have confidence in the practicality of these designs for peacetime and if the Federal Government is to look to these designs as economically mass producable in time of national need, then it follows that prototype vessels should be built as soon as it is feasible and practicable and placed in commercial operation under close scrutiny. Only in this way may the vessels' advantages be demonstrated and their shortcomings corrected.

There are no changes in existing law.

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Calendar No. 2281

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2260

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1957

JUNE 18, 1956.—Ordered to be printed

Mr. CHAVEZ, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H. R. 10986]

The Committee on Appropriations, to whom was referred the bill (H. R. 10986) making appropriations for the Department of Defense for the fiscal year ending June 30, 1957, and for other purposes, report the same to the Senate with various amendments and present herewith information relative to the changes made.

Amount of bill passed by House	$33,635,066,000
Amount added by Senate (net)	1,348,668,000
Total of bill as reported to Senate	34,983,734,000
Amount of 1957 budget estimates	34,147,850,000
Amount of 1956 appropriations	31,893,233,626

The bill as reported to the Senate:

Over the budget estimates, 1957	835,884,000
Over appropriations for fiscal year 1956	3,090,500,374

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Summary of appropriations

Title	Appropriations, 1956	Budget estimates, 1957	Recommended in House bill, 1957	Amount recommended by Senate committee	Increase (+) or decrease (−) Senate bill compared with—		
					Appropriations, 1956	Budget estimates, 1957	House bill
Title I—Office of the Secretary of Defense	[1] $13,466,500	$14,950,000	$14,950,000	$14,950,000	+$1,483,500		
Title II—Interservice Activities	[1] 682,291,400	[2] 657,375,000	643,875,000	643,875,000	−38,416,400	−13,500,000	
Title III—Department of the Army	7,329,953,000	[2] 7,761,425,000	7,497,582,000	7,545,787,000	+215,834,000	−215,638,000	+$48,205,000
Title IV—Department of the Navy	[1] 9,127,759,556	[2] 10,047,600,000	9,999,534,000	9,999,997,000	+872,237,444	−47,603,000	+463,000
Title V—Department of the Air Force	14,739,763,170	[2] 15,666,500,000	15,479,125,000	16,779,125,000	+2,039,361,830	+1,112,625,000	+1,300,000,000
Total	31,893,233,626	34,147,850,000	33,635,066,000	34,983,734,000	+3,090,500,374	+835,884,000	+1,348,668,000

[1] Includes funds in the 2d supplemental appropriation bill, 1956, as follows: Office of the Secretary of Defense, $796,500; interservice activities, $41,400; Department of the Navy, $9,580,000.

[2] Includes $419,100,000 in H. Doc. 375 as follows: Interservice activities, $50,000,000; Army, $55,000,000; Navy, $65,600,000; Air Force, $248,500,000.

NOTE.—In addition to the above reduction, the following rescissions were made by the House: Construction of Ships, Navy, $3,800,000; Ordnance for new construction, Navy, $1,000,000; Navy stock fund, $100,000,000; Marine Corps stock fund, $3,000,000; Navy industrial fund, $52,000,000; Army industrial fund, $110,000,000; Air Force stock fund, $50,000,000. The Senate committee deleted the $110,000,000 Army rescission language and $40,000,000 of the Navy rescission language and transferred these funds to the Air Force industrial fund.

DEPARTMENT OF THE ARMY

MAINTENANCE AND OPERATION, ARMY

1956 appropriation	$2, 831, 019, 000
1957 estimate	3, 192, 000, 000
House action	2, 954, 581, 000
Senate committee	2, 967, 057, 000

The committee recommends an appropriation of $2,967,057,000, an increase of $12,476,000 over the House-approved amount and $224,943,000 below the estimate.

The restoration of $12,476,000 will assist the Department of the Army in meeting certain unanticipated expenses. Wage rate increases for foreign national employees of the Department of the Army, effective in April, May, and June, 1956, will require the expenditure of approximately $17.5 million in the fiscal year 1957. Likewise, the increase in rail freight rates authorized by the Interstate Commerce Commission, effective in March 1956, will require the expenditure of $1.7 million more than had been anticipated. These items of expense were not included in the budget.

The request by the Department of the Army for $88,369,170 needed for support of troops and facilities in Germany resulting from a deutschemark deficiency was not allowed. It was the belief of the committee that a more satisfactory arrangement should be made with the Republic of Germany so that the support of our troops in Germany would be more equitably divided. At the same time the committee wishes it understood that the reduction in funds shall in nowise interfere with planned troop strengths and facilities in Germany.

MILITARY CONSTRUCTION, ARMY RESERVE FORCES

1956 appropriation	$31, 611, 000
1957 estimate	40, 000, 000
House action	40, 000, 000
Senate committee	60, 000, 000

The Senate committee recommendation of $60,000,000 provides an additional $20,000,000 for National Guard military construction of which $16,000,000 is for armory construction and $4,000,000 for nonarmory construction bringing the total appropriations for armory construction to $20,000,000 and for nonarmory construction $5,000,000. Testimony revealed that the additional amount provided could be well utilized during the coming fiscal year since previous difficulties experienced with the construction program have been largely removed, making previous unobligated balances insufficient to carry out an optimum program.

ARMY NATIONAL GUARD

1956 appropriation	$308, 239, 000
1957 estimate	306, 000, 000
House allowance	306, 000, 000
Senate committee	321, 492, 000

The committee recommends an increase of $15,492,000 over the House-approved amount of $306,000,000. Of this increase $11,162,000 would provide for an increase in the budgeted end strength of 408,100 to the desired end strength of 425,000 for fiscal year 1957. Testimony revealed that the additional funds would be required to increase the

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average strength for 1957 by 16,900 if the end strength of 425,000 is to be provided for.

An additional $4,000,000 is to enable the National Guard to increase their technicians by 552 and to provide the necessary funds to equalize the Army National Guard technician pay-grade structure. If this is not done the additional cost of reclassification will be absorbed through reductions in pay or no new authorized employment.

In addition the committee recommends the appropriation of $330,000 to assure National Guard teams the opportunity of attending the national matches during 1957.

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE

1956 appropriation	$400,000
1957 estimate	425,000
House action	297,000
Senate committee	534,000

This Board has the responsibility to encourage rifle practice among the citizens of the country, especially those not ordinarily reached in the Army training program. It is the opinion of the committee that rifle practice aids national preparedness by providing able-bodied citizens training in the use of military-type small arms.

It was testified that total requirements for .30-caliber and .45-caliber ammunition and funds for travel of military, naval, ROTC, and Reserve components to matches and small-arms firing schools would be available from appropriations of the Department of Defense for obligation during the current fiscal year. It was further testified that funds were not available for purchase of .22-caliber ammunition ($109,000) for the younger age group and travel of civilian teams to national rifle matches and small-arms firing schools ($128,000).

Therefore the committee recommends an appropriation of $534,000, an increase of $237,000 over the amount of $297,000, recommended by the House, plus approval of section 633 of the general provisions of this bill, which authorizes transfer of ammunition to the Board without reimbursement.

SAN JACINTO ORDNANCE DEPOT

The committee agrees with the language of the House report and in the action of the legislative committee directing that studies be made as to the relocation of the San Jacinto Ordnance Depot, located at Houston, Tex. The city is prevented from making important expansions because of the facility and is anxious that the depot be removed to some other site.

DEPARTMENT OF THE NAVY

SERVICEWIDE OPERATIONS

1956 appropriation	$96,500,000
1957 estimate	102,508,000
House allowance	102,472,000
Senate committee	102,435,000

The committee has reduced $37,000 from the bill for furnishing and maintenance of three new sets of quarters to be constructed at the Naval Observatory for the deputies of the Chief of Naval Opera-

tions. Funding has not yet been completed for these quarters and it is doubtful if they will be ready for occupancy during the coming year.

NAVAL PETROLEUM RESERVES

1956 appropriation	$2, 851, 000
1957 estimate	1, 212, 000
House allowance	683, 000
Senate committee	1, 183, 000

The Senate committee recommends the funds provided in the House bill plus $500,000, the amount estimated to maintain, protect, and conserve the Government's oil-shale plant at Rifle, Colo.

NATIONAL NAVAL MEDICAL CENTER

The committee directs the Department of Defense to make a study relative to the cost and feasibility of air-conditioning the National Naval Medical Center at Bethesda, Md., and to report its findings to the committee as soon as practicable.

DEPARTMENT OF THE AIR FORCE

AIRCRAFT AND RELATED PROCUREMENT

1956 appropriation	$6, 306, 000, 000
1957 estimate	6, 048, 500, 000
House action	6, 048, 500, 000
Senate committee	6, 848, 500, 000

The Senate committee has added $800,000,000 to this appropriation, making a total of $6,848,500,000. This is an amount $800,000,000 over the estimate and the House allowance.

These additional funds are to be used primarily for increasing the production of heavy bombers for the Strategic Air Command. At the same time, should it be deemed advisable, part of these added appropriations are available for increased production of fighter aircraft for the continental defense.

DEPARTMENT OF THE AIR FORCE

PROCUREMENT OTHER THAN AIRCRAFT

1956 appropriation	$349, 862, 600
1957 estimate	1, 177, 000, 000
House action	1, 100, 000, 000
Senate committee	1, 177, 000, 000

In providing for the increase to the budget estimate of $1,177,000,000 the committee took cognizance of Air Force testimony that the additional funds were required to finance certain additional budgetary requirements which were not included in the budget submission. These requirements are for the acceleration of the air defense missile program, increases in support equipment for missile programs, modification and alinement of training equipment with recent changes in aircraft programs, introduction of the western extension of the distant early warning line and increased costs of SAGE and DEW line equipment. The Air Force estimates that these additional costs will exceed the restoration of $77,000,000 provided.

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RESEARCH AND DEVELOPMENT

1956 appropriation	$570,000,000
1957 estimate	610,000,000
House action	610,000,000
Senate committee	710,000,000

The Senate committee recommends an appropriation for research and development of $710,000,000, an increase of $100,000,000 over the estimate and the amount provided by the House. The added funds are provided in order to expedite the research and development program of the Air Force.

OPERATION AND MAINTENANCE

1956 appropriation	$3,597,496,570
1957 estimate	3,786,000,000
House action	3,684,185,000
Senate committee	3,780,185,000

The Senate committee recommends an increase over the House action of $96,000,000. This is $5,815,000 below the estimate.

Of the additional funds, $56,000,000 will permit the Air Force to support approved activities and force buildup which are essential to meet approved program objectives. Specifically the $56,000,000 will provide $30,000,000 for aviation fuel and oil, $6,000,000 for logistical support, $15,000,000 for operational support, $4,000,000 for training support, and $1,000,000 for servicewide support.

An additional $40,000,000 has been added to the bill to support the increased operational and force buildup.

As in the case of the Army, the committee has denied requested funds amounting to $18,626,130 related to the deficiency of deutschemark support, believing that a more equitable arrangement should be worked out with the Republic of Germany. However, it is understood that the planned program as presented to the committee should be continued by the Air Force.

MILITARY PERSONNEL

1956 appropriation	$3,680,650,000
1957 estimate	3,727,000,000
House action	3,718,440,000
Senate committee	3,745,440,000

The increase recommended by the Senate committee is $27,000,000 over the House-approved amount and $18,440,000 over the estimate. The Air Force testified that restoration of $7,000,000 is necessary in order to reassign and deploy military personnel on a permanent change of station basis in order to accomplish the required manning of the additional 6 wings and support units planned for activation during fiscal year 1957. The increase of $20,000,000 is provided for additional personnel needed to implement an augmented Air Force.

The committee also recommends language similar to that contained in Senate Document 127 be included in the bill. This would permit the utilization of $57,853,000 of the 1957 appropriation to pay obligations incurred under this head in fiscal 1956. It was testified that the additional sum is required to cover unanticipated increases in certain personnel costs associated with a larger number of reenlistments than previously estimated. Unless additional funds are

supplied, increased costs cannot be met without reducing the planned level of personnel.

The language referred to is as follows:

: of which not to exceed $57,853,000 may be transferred to the appropriation, "Military personnel, 1956"

MILITARY CONSTRUCTION, AIR FORCE

The committee recommends an appropriation at this time of $200,000,000 for "Military construction, Air Force," in order to provide needed funds for bases so as to make larger aircraft operational. Total military construction requests for 1957 for the Air Force amount to $1,228,000,000, and have not yet been acted upon by the Congress. In recommending an immediate appropriation of $200,000,000 the committee acts on the assumption that a like amount will be deducted from the appropriation request for military construction in the supplemental appropriation bill, 1957.

SECTION 607: EDUCATION OF DEPENDENTS

The committee agrees with the action of the House in increasing to an amount not exceeding an average of $245 per student the limitation on the cost of education of dependents of military and civilian employees residing on military or naval installations or stationed in foreign countries.

SECTION 612: SCRAP AND SALVAGE

The committee recommends an increase of $22,500,000 in the limitation on funds expended for the preparation for sale and salvage of scrap and surplus materials, bringing the amount from $31,000,000 to $53,500,000. These funds are generated from receipts from the scale of scrap, salvage, and surplus materials. Proceeds from the sale of surpluses are included for the first time, it being the objective of the proposed section 612 to establish a single, all-inclusive fund to finance the Department of Defense disposal program. At the present time expenses of the disposal program have been financed from several sources.

SECTION 634: AIR FORCE INDUSTRIAL FUND

The committee recommends the following language be provided in the bill:

During the fiscal year 1957 there is hereby authorized to be transferred to the Air Force Industrial Fund not to exceed $40,000,000 from the Navy Industrial Fund and not to exceed $110,000,000 from the Army Industrial Fund.

The committee deleted language provided by the House which would rescind these amounts from the respective accounts of the Navy and Army.

The effect of this amendment would be to authorize the transfer of funds from the Army and Navy industrial funds to the Air Force industrial fund so as to establish a Military Air Transport Service and

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the eight major aircraft overhaul installations of the Air Force under industrial funding. The funding provided is in the amount needed to finance the recoverable costs of work in process until the Air Force industrial fund can be reimbursed by the customer agencies.

In making this recommended change, however, the committee wishes to make it clear that the Department of Defense should, in the future, utilize the services of commercial transportation to the fullest extent possible when it is more economical, and that in evaluating relative costs of transportation, the Department should recognize the element of time saved as an important factor.

SECTION 635: EXPENSE OF DEVELOPMENT

The committee recommends the inclusion of the following new section requested by the Department of Defense:

> *Appropriations available to the Department of Defense for major procurement of aircraft and missiles shall be available for expenses of development.*

The procurement appropriations of the military departments have for several years provided funds for financing development of items being procured and produced although the language of these appropriations does not specifically cover such expenses. The expenditures being made for development from procurement appropriations are generally associated with the missiles program. In the interest of avoiding any delays in the program because of technicalities, the foregoing amendment is recommended.

The proposal would involve no change from past and present practice concerning the use of the funds for the procurement appropriations for the development aspects associated with the procurement and production of missiles. The purpose would be to support present practices of using procurement funds for those portions of development which are inseparable from the production phase in the procurement of weapons.

DISPOSAL OF COMMERCIAL ACTIVITIES

The committee has taken no action to restore section 638 of the 1956 act identical with section 633 of this bill as reported to the House.

This would have permitted committee action, either approving or disapproving, the disposal or transfer by contract or otherwise of work that has been for a period of 3 years or more performed by civilian personnel of the Department of Defense. However, the committee directs the Department of Defense to maintain all such facilities and activities within the Department unless such disposal or transfer is economically justified, and unless no increased costs result. The Department of Defense is directed to report periodically to this committee on actions taken regarding such disposal or transfer.

DUPLICATION OF FACILITIES AND FUNCTIONS

During the course of the hearings the committee had forcibly brought to its attention frequent examples of duplication of facilities and functions throughout the Department of Defense. In numerous instances the committee questions the advisability of such duplication. In some cases the committee believes that this duplication borders on unconscionable waste of the country's resources, not only in material but in land resources, manpower, and money.

The committee recognizes that in limited areas of research and development certain parallel research efforts are unavoidably necessary if we are to maintain our initiative in arms development. The committee is also aware that healthy competition among the Army, Navy, and Air Force is desirable. But the committee expresses deep concern over duplication of functions and facilities between services, which threatens to deter our defensive development; over the failure to utilize existing facilities concurrently; and over the needless expenditure of our vital resources.

The committee is well aware that the Congress cannot legislate departmentwide economy, that such efforts must largely remain in the hands of individuals charged with conducting the programs of the Department of Defense. It is also aware that this Nation cannot expect a balanced economy unless and until those officials charged with the responsibility for these vast spending programs make a conscientious effort to curtail nonessential expenditures. It therefore calls upon the responsible officials to institute a program of economy consciousness on the part of all officials, both military and civilian, in whose hands rests the formulation and development of programs involving these tremendous expenditures. Such a program, as visualized, would presume that unification of the armed services is a fact, and that the joint use of existing facilities, where feasible, is not only desirable but mandatory. It would further presume that parallel efforts would be carried on only in those fields where the end product is of such urgency as to preclude more economical methods. It would still further presume that Defense officials will be charged with the responsibility to coordinate the expansion of the military facilities so that existing facilities are fully utilized wherever possible before new construction is initiated.

The committee therefore directs that the Secretary of Defense or his chosen representative report in writing to the Senate Appropriations Committee prior to January 30, 1957, accomplishments effected pertinent to this subject during the first half of the fiscal year 1957.

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SPECIAL AND INDEFINITE APPROPRIATIONS

Item	Appropriations, 1956	Budget estimates, 1957	Recommended in House bill, 1957	Amount recommended by Senate committee	Increase (+) or decrease (−) Senate bill compared with—		
					Appropriations, 1956	Budget estimates, 1957	House bill
DEPARTMENT OF DEFENSE							
Preparation for sale or salvage of military property	$31,000,000	$53,500,000	$31,000,000	$53,500,000	+$22,500,000	----------	+$22,500,000
Ship stores profits, Department of the Navy (permanent indefinite)	7,300,000	7,300,000	7,300,000	7,300,000	----------	----------	----------
Total, special accounts	38,300,000	60,800,000	38,300,000	60,800,000	+22,500,000	----------	+22,500,000

COMPARATIVE STATEMENT OF APPROPRIATIONS FOR 1956 AND ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1957

TITLE I—OFFICE OF THE SECRETARY OF DEFENSE

Item	Appropriations, 1956	Budget estimates, 1957	Recommended in House bill, 1957	Amount recommended by Senate committee	Increase (+) or decrease (−) Senate bill compared with—		
					Appropriations, 1956	Budget estimates, 1957	House bill
Salaries and expenses	[1] $13,019,000	$14,500,000	$14,500,000	$14,500,000	+$1,481,000		
Salaries and expenses, Office of Public Affairs	[2] 447,500	450,000	450,000	450,000	+2,500		
Total, title I—Office of Secretary of Defense	13,466,500	14,950,000	14,950,000	14,950,000	+1,483,500		

TITLE II—INTERSERVICE ACTIVITIES

Claims	$11,930,000	$12,000,000	$11,000,000	$11,000,000	−$930,000	−$1,000,000	
Contingencies	40,000,000	35,000,000	32,500,000	32,500,000	−7,500,000	−2,500,000	
Emergency fund	35,000,000	[3] 85,000,000	85,000,000	85,000,000	+50,000,000		
Reserve tools and facilities	100,000,000	[4]			−100,000,000		
Retired pay	495,000,000	525,000,000	515,000,000	515,000,000	+20,000,000	−10,000,000	
Salaries and expenses, Court of Military Appeals	[5] 361,400	375,000	375,000	375,000	+13,600		
Total, title II—Interservice activities	682,291,400	657,375,000	643,875,000	643,875,000	−38,416,400	−13,500,000	

[1] Includes $769,000 in the Second Supplemental Appropriation Bill, 1956.
[2] Includes $27,500 in the Second Supplemental Appropriation Bill, 1956.
[3] Includes $50,000,000 in H. Doc. 373.
[4] Reappropriation.
[5] Includes $41,400 in the Second Supplemental Appropriation Bill, 1956.

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Comparative statement of appropriations for 1956 and estimates and amounts recommended in the bill for 1957—Continued

TITLE III—DEPARTMENT OF THE ARMY

	Appropriations, 1956	Budget estimates, 1957	Recommended in House bill, 1957	Amount recommended by Senate committee	Increase (+) or decrease (−) Senate bill compared with—		
					Appropriations, 1956	Budget estimates, 1957	House bill
Military personnel	$3,679,095,000	[1] $3,585,000,000	$3,566,704,000	$3,566,704,000	−$112,391,000	−$18,296,000	
Maintenance and operations	2,831,019,000	[2] 3,192,000,000	2,954,581,000	2,967,057,000	+136,038,000	−224,943,000	+$12,476,000
Military construction, Army Reserve Forces	31,611,000	40,000,000	40,000,000	60,000,000	+28,389,000	+20,000,000	+20,000,000
Reserve personnel	141,589,000	223,000,000	215,000,000	215,000,000	+73,411,000	−8,000,000	
Army National Guard	308,239,000	306,000,000	306,000,000	321,492,000	+13,253,000	+15,492,000	+15,492,000
Research and development	333,000,000	410,000,000	410,000,000	410,000,000	+77,000,000		
National Board for the Promotion of Rifle Practice	400,000	425,000	297,000	534,000	+134,000	+109,000	+237,000
Alaska Communication System	5,000,000	5,000,000	5,000,000	5,000,000			
Total, title III—Department of the Army	7,329,953,000	7,761,425,000	7,497,582,000	7,545,787,000	+215,834,000	−215,638,000	+48,205,000

[1] Includes $24,000,000 in H. Doc. 373.
[2] Includes $31,000,000 in H. Doc. 373.

TITLE IV—DEPARTMENT OF THE NAVY

Military personnel, Navy	$2,486,109,900	[1] $2,483,900,000	$2,478,316,000	$2,478,316,000	−$7,793,000	−$5,584,000	
Reserve personnel, Navy	91,811,000	95,000,000	95,000,000	95,000,000	+3,189,000		
Navy personnel, general expenses	83,000,000	[2] 83,980,000	83,980,000	83,980,000	+980,000		
Military personnel, Marine Corps	650,244,000	647,500,000	647,100,000	647,100,000	−3,144,000	−400,000	
Reserve personnel, Marine Corps	20,606,000	26,800,000	26,800,000	26,800,000	+6,194,000		
Marine Corps procurement	290,190,000	179,000,000	164,000,000	164,000,000	−126,190,000	−15,000,000	
Marine Corps troops and facilities	181,605,000	175,820,000	171,820,000	171,820,000	−9,785,000	−4,000,000	
Aircraft and related procurement	905,602,000	[3] 1,732,900,000	1,732,900,000	1,732,900,000	+827,298,000		
Aircraft and facilities	809,632,000	813,400,000	810,772,000	810,772,000	+1,140,000	−2,628,000	
Shipbuilding and conversion	1,387,634,000	[4] 1,479,700,000	1,479,700,000	1,479,700,000	+92,066,000		
Ships and facilities	779,685,000	[5] 769,040,000	766,040,000	766,040,000	−13,645,000	−3,000,000	
Procurement of ordnance and ammunition	185,842,000	299,000,000	294,000,000	294,000,000	+108,158,000	−5,000,000	
Ordnance and facilities	182,889,000	166,680,000	163,680,000	163,680,000	−19,209,000	−3,000,000	
Ordnance for new construction (liquidation of contract authorization)	28,000,000				−28,000,000		
Medical care	62,494,556	61,340,000	61,323,000	61,323,000	−1,171,556	−17,000	
Civil engineering	120,069,700	130,100,000	129,600,000	129,600,000	+9,530,300	−500,000	
Military construction, Naval Reserve Forces	28,061,400	17,000,000	9,704,000	9,704,000	−18,357,400	−7,296,000	
Research and development	431,933,000	493,000,000	492,000,000	492,000,000	+60,067,000	−1,000,000	
Servicewide supply and finance	[7] 303,000,000	289,720,000	289,644,000	289,644,000	−13,356,000	−76,000	
Servicewide operations	[8] 96,500,000	102,508,000	102,472,000	102,435,000	+5,935,000	−73,000	−$37,000
Naval petroleum reserves	2,851,000	1,212,000	683,000	1,183,000	−1,668,000	−29,000	+500,000
Total, title IV—Department of the Navy, general	9,127,759,556	10,047,600,000	9,999,534,000	9,999,997,000	+872,237,444	−47,603,000	+463,000

[1] Includes $14,500,000 in H. Doc. 373.
[2] Includes $400,000 in H. Doc. 373.
[3] Includes decrease of $5,000,000 in H. Doc. 373.
[4] Includes increase of $50,700,000 in H. Doc. 373.
[5] Includes decrease of $11,000,000 in H. Doc. 373.
[6] Includes increase of $16,000,000 in H. Doc. 373.
[7] Includes $7,400,000 in the Second Supplemental Appropriation Bill, 1956.
[8] Includes $2,180,000 in the Second Supplemental Appropriation Bill, 1956.

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Comparative statement of appropriations for 1956 and estimates and amounts recommended in the bill for 1957—Continued

TITLE V—DEPARTMENT OF THE AIR FORCE

Item	Appropriations, 1956	Budget estimates, 1957	Recommended in House bill, 1957	Amount recommended by Senate committee	Increase (+) or decrease (−) Senate bill compared with—		
					Appropriations, 1956	Budget estimates, 1957	House bill
Aircraft and related procurement	$6,306,000,000	[1] $6,048,500,000	$6,948,500,000	$6,848,500,000	+$542,500,000	+$800,000,000	+$800,000,000
Procurement other than aircraft	349,862,600	1,177,000,000	1,100,000,000	1,177,000,000	+827,137,400	----------	+77,000,000
Research and development	570,000,000	610,000,000	610,000,000	710,000,000	+140,000,000	+100,000,000	+100,000,000
Operation and maintenance	3,597,496,570	3,786,000,000	3,684,185,000	3,780,185,000	+182,688,430	−5,815,000	+96,000,000
Military personnel	3,680,650,000	3,727,000,000	3,718,440,000	3,745,440,000	+64,790,000	+18,440,000	+27,000,000
Reserve personnel	43,563,000	59,300,000	59,300,000	59,300,000	+15,737,000	----------	----------
Air National Guard	192,191,000	258,700,000	258,700,000	258,700,000	+66,509,000	----------	----------
Military construction	----------	----------	----------	200,000,000	+200,000,000	+200,000,000	+200,000,000
Total, title V—Department of the Air Force, general	14,739,763,170	15,666,500,000	15,479,125,000	16,779,125,000	+2,039,361,830	+1,112,625,000	+1,300,000,000
Total appropriations, titles I, II, III, IV, V	31,893,233,626	34,147,850,000	33,635,066,000	34,983,734,000	+3,090,500,374	+835,884,000	+1,348,668,000

[1] Includes $248,500,000 in H. Doc. 373.

NOTE.—In addition to the above reduction, the following rescissions were made by the House:

Navy—Ordnance for new construction, $1,000,000; construction of ships, $3,800,000. Working capital funds, $315,000,000. Army, $110,000,000; Navy, $455,000,000; Air Force, $50,000,000.

The Senate Committee deleted the $110,000,000 Army rescission language and $40,000,000 of the Navy rescission language and transferred these funds to the Air Force industrial fund.

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